



Information Processing Agreement 2023-2025

APPENDIX 1

The Chief Constable of Staffordshire Police

And

PARTNERSHIPS AGAINST BUSINESS CRIME IN STAFFORDSHIRE

(PABCIS)

This **Information Processing Agreement (IPA)** defines the arrangements for the regular or volume sharing and processing of personal information between the Partners, ensuring that sharing is justified, lawful and secure.

Appendix 1 has been completed by the Police and the Partner(s) as a record of the Data Impact Assessment conducted in accordance with the requirements of the UK GDPR 2018.

i. PARTIES TO THE AGREEMENT:

The Chief Constable of Staffordshire Police Police Headquarters Weston Road Stafford ST18 0YY <u>ICO Registration: Z5790900</u>	Partnerships Against Business Crime in Staffordshire (PABCIS) Registered address: Etruria Office Village, 2 Forge Lane Etruria, Stoke-on-Trent, Staffordshire, ST1 5RQ <u>ICO Registration Number Z3319951</u>
--	--

ii. PURPOSE AND NECESSITY OF THE PROCESSING

Purpose:

This Data Processing Agreement between Staffordshire Police and PABCIS is for the regular sharing of information, including personal data, sensitive personal data, and images of persons for processing by PABCIS in the crime prevention and policing purposes defined within this Agreement.

PABCIS is a local Partnership of private and statutory members who share information and intelligence to reduce the effects of crime and disorder in, and in the vicinity, of business premises in town and city centres in Staffordshire. This includes reducing crime and anti-social behaviour across all sectors of the business community and their trading environments. The objectives are to create a safe and secure trading environment for all those who work, visit and invest in Staffordshire. PABCIS brings together a number of businesses that in isolation are having minimal effect on crime reduction, but in partnership are capable of pooling sufficient

resource and information to have a significant effect on crime reduction within Staffordshire. As a collective group, they are willing to co-ordinate with police and local authorities in order to address crime at a local level that will benefit businesses and the local community.

The impact of the objectives on the wider public will be:

- Ability to visit and enjoy a safe and secure business environment in Staffordshire
- Reduction in antisocial behaviour in and around business premises in Staffordshire
- Reduced fear of becoming a victim of crime
- Sustaining a successful trading environment for business across Staffordshire
- Reduction of crime and disorder affecting business

The purpose of this agreement is to allow information to be shared and then processed for the purpose of prevention, reduction and detection of crime and policing purposes within Staffordshire.

Individual members of PABCIS report information about incidents of crime and anti-social behaviour that impacts on their premises, staff and customers to PABCIS. The information is stored and processed onto a secure encrypted database and intranet that members must use private access codes and passwords to enter at the invitation of PABCIS (DISC). PABCIS decides if the quality of data submitted by members is compliant with the Codes of Practice and may disseminate information to members by means of newsletters or bulletins placed on the system. The secure intranet site is an information sharing website that allows businesses and Staffordshire Police to share CCTV images, crime statistics, photographs and personal details of convicted persons or persons reasonably suspected from a reliable source of committing crime against business.

Necessity:

It is necessary for Staffordshire Police to provide PABCIS with data as PABCIS may only be able to access information, data and images as well as other information, as it is not available from any other source. This information sharing activity will allow the owners and employees within PABCIS member premises to recognise with confidence those offenders and other individuals who are currently actively involved in crime and anti-social behaviour in the area and who pose a threat to members premises, surrounding area, staff and customers.

By recognising these individuals, members will be able to disrupt and prevent this activity. The information provided by the police will also actively support the exclusion notice scheme where Staffordshire Police images and information are used in accordance with the exclusion policy. By working in partnership in this way, crime and fear of crime across Staffordshire should be reduced for those who live, work, visit and invest Staffordshire. Providing PABCIS with information will:

- Enable PABCIS to make balanced decisions in relation to the better management of crime and disorder in their area of operation in Staffordshire
- Protect the business community of Staffordshire from acts of physical violence and verbal abuse that often leads to stress and related disorder
- Reduce the incidents of crime and fear of crime which benefits member premises, staff and customers

- Foster a safe and secure environment beneficial to regeneration and other government priorities
- Target persistent offenders on member premises and surrounding areas
- Reduce crime, disorder and antisocial behaviour together with the associated losses to member businesses
- Receive information not readily available by any other method

Any perceived risks to individuals or the wider public are minimised through the implementation of a Privacy Impact Assessment carried out by PABCIS.

iii. NATURE AND SCOPE OF THE PROCESSING

Nature of Processing:

It is necessary for PABCIS to be able to access data and information from the Staffordshire Police systems detailed below. In order for staff to access systems directly all staff are trained by Staffordshire Police in the use and security of such data. All staff are vetted by Staffordshire Police to an appropriate level. All PABCIS staff have signed confidentiality agreements.

- (a) **STORM:** To be aware of incidents occurring at member premises or in the vicinity thereof to facilitate the consideration of the imposition of sanctions, and to be aware of trends and patterns arising
- (b) **ACTIVE INTELLIGENCE:** To be informed of associates and intelligence relevant to the purpose of this Information Sharing Agreement
- (c) **VIDEO WITNESS:** To facilitate the obtaining and viewing of images of individuals subject to exclusion or for the purpose of highlighting criminal activity affecting the business community;
- (d) **NICHE:** to obtain up to date crime, custody information
- (e) **CAUGHT ON CAMERA/BRIEFINGS HUB:** To assist in the identification of offenders involved in business crime relevant to the objectives of PABCIS
- (f) **INN KEEPER** – to be informed of license conditions and DPS information in respect of the management of the Pubwatch schemes within PABCIS
- (g) **PNN EMAIL:** To facilitate secure email communication
- (h) **INTERNET EXPLORER:** To utilise the internet system for the purpose of research and managing the secure on-line system for sharing data.

Data obtained will be limited to:

- Details of incident
- Current image of offender subject to provision below
- The address of the subject or confirmation of information already held
- Associates
- Full name and date of birth

- Court result, if applicable
- Terms of any current Anti-social behaviour orders or acceptable behaviour contracts, Community Behaviour Orders in force from time to time where the conditions of such will directly affect the local PABCIS members.
- Reference number of the individual
- Outstanding warrants and bail conditions
- Warning signals for an individual that will directly impact on the health and safety of PABCIS members, their staff and customers, eg violence and weapons used.
- Relevant intelligence and information including criminal offence data to include
 - Theft Act offences
 - Deception
 - Anti-Social behaviour
 - Criminal Damage
 - Illegal drugs
 - Public order offences
 - Burglary (other) – e.g. commercial premises
 - Weapons (use, possession or threats)
 - Targeting the vulnerable
 - Assault
 - Physical or verbal abuse
 - Licensing Offences
 - Vehicle crime
 - Violence/threats of violence
 - Racist, homophobic, sexual or sexist behaviour
 - Any offences or behaviour affecting the trading environment.
 - This information will support the diverse range of businesses within PABCIS within the night time and retail economies. These offences or suspected offences will have taken place within the defined area of operation for PABCIS within Staffordshire

Special category data may also be shared by Staffordshire Police to PABCIS to include criminal convictions and images. Special category data may be requested in relation to individuals convicted or cautioned, or reasonably suspected from a reliable source to be involved in crime, disorder and anti-social behaviour affecting the business community as follows:

- (a) To support the sharing of a police image to business members to enable them to be in a position to identify an offender and reduce business crime, or prevent offences taking place;
- (b) To facilitate informed decisions to be made in respect of sanctions to be imposed by PABCIS and to enable them to make balanced decisions in relation to the better management of crime and disorder in Staffordshire
- (c) To enable appropriate violence warnings to be given to business as appropriate.

All requests will be on a case by case basis and are not as a matter of course.

PABCIS will have a formal process in place in order to receive special category data as follows:

PABCIS will access the court results on NICHE themselves unless there is specific information required which is only available through the Central Disclosure Unit of Staffordshire Police then a secure email will be sent from the PABCIS HUB to Central Disclosure Unit of Staffordshire Police requesting case outcome data for individuals. PABCIS will provide the name of the individual, date of birth and date, time and location of incident. Staffordshire Police will provide outcome details relevant to the request. Requests and responses will be stored in accordance with PABCIS and Staffordshire Police data retention policy.

Benefits to Police:

The benefits to Staffordshire Police include:

- Supporting core functions of the Police to reduce crime and disorder through this Partnership approach.
- Reducing incidence of crime and freeing up of resources to be deployed elsewhere
- Promoting public assurance in a safe and secure business environment
- Supporting the monitoring of persistent criminals, persons with relevant bail conditions, persons wanted by police, Behavioral Orders or other current legislation where conditions are relevant to the members of PABCIS.

Staffordshire Police and invited officers will be able to access PABCIS data through the secure APP on the DISC system. Access will be limited to details of individuals subject to exclusion and alert issued to business community.

PABCIS may provide to Staffordshire Police details of individuals identified by PABCIS who may be impacting on the business community in Staffordshire through crime, disorder, and anti-social behaviour

Data Quality and data minimisation and compatibility of data sets

PABCIS staff are trained in relation to accessing the various systems of Staffordshire Police referred to in **Nature of Processing**. Access to the systems is necessary in order for PABCIS to be able to facilitate managing its intelligence sharing/exclusion order scheme and identifying crime and disorder issues on behalf of the business community. By accessing police systems direct, PABCIS is able to identify incidents which have taken place which fall within the remit of PABCIS, ie business related crime and relate only to those businesses which participate in the PABCIS partnership, or where the information obtained is likely to impact on those businesses and town centre environments in Staffordshire. Accessing the systems also facilitates the obtaining of data in relation to the offenders committing acts of business crime within the vicinity of the town centres in Staffordshire and in particular the businesses working in partnership through PABCIS

The benefit of PABCIS accessing data directly rather than it being transferred ensures that the information is obtained in a timely manner. PABCIS Staff are able to access systems directly as the amount of data required in order to deliver the objectives of the partnership would be too

onerous on Staffordshire Police thereby allowing police to be deployed elsewhere. PABCIS is also in a position to cross reference data received from business to avoid duplication.

PABCIS staff are only permitted to search data which is relevant to its purpose and will search only incidents which are specific to PABCIS members, or within the close vicinity of those PABCIS members which are likely to impact of the business communities in the area of operation of PABCIS in Staffordshire.

PABCIS staff will on a daily basis access Staffordshire Police incident management systems to identify incidents which have taken place at PABCIS members' premises or in the vicinity thereof. Once incidents are identified, PABCIS staff will obtain further information from the business concerned. PABCIS staff will search other Staffordshire Police systems as referred to in **Nature of Processing** to obtain relevant information ONLY on the individuals connected to the crimes at the premises identified.

It may be necessary from time to time for Staffordshire Police to transfer information directly to PABCIS which PABCIS staff may not previously have been aware of but which falls within the remit of the objectives of PABCIS in which case PABCIS staff will handle this information in the same way as information it obtains directly.

All PABCIS staff have signed Staffordshire Police Confidentiality Agreements.

iv. **CONTEXT OF THE PROCESSING**

PABCIS is a partnership of private and statutory members who share information and intelligence, create intelligence packages and make use of exclusions notices to reduce the effects of crime and disorder in, and in the vicinity, of PABCIS members' premises, against their staff and customers. Members of PABCIS are from the retail, night time economy and other town centre businesses – PABCIS has aims to reduce crime and anti-social behaviour across all sectors of the business community and their trading environment.

PABCIS staff control all data shared with members through a secure system, DISC. Data shared through this system will include name, dob, and police custody image (if not available from another source).

PABCIS will obtain and maintain accreditation in relation to its operation to the common national minimum standards.

Data subjects will have a right to appeal against any data processed or stored by PABCIS. It is expected that individuals involved in crime and disorder within the business environment would be aware of potential consequences and expect data to be shared in this way.

PABCIS may hold data on children and vulnerable individuals involved in crime and disorder affecting the business community but this will not be shared by PABCIS with business unless there are sufficient grounds to do so and after a strenuous risk assessment and with a legal gateway to do so.

There are no concerns over this type of processing due to the strict controls which are in place.

PABCIS operates the DISC system– a secure on line system with secure APP on which businesses can access limited data and images.

There are no issues of public concern in relation to the PABCIS partnership. It is open and transparent.

PABCIS is accredited to the common national standards.

Staffordshire Police will carry out a Bi annual audit of PABCIS.

v. **LAWFUL BASIS FOR THE PROCESSING**

The lawful basis for processing data between Staffordshire Police and PABCIS is

- public task under UK GDPR 6(1)(f),
- the Crime and Disorder Act,
- the Crime and Policing Act 2014,
- Rehabilitation of Offenders Act 1974.

The condition relied upon under which Special Category data is shared is Article 9.2(g) of the DPA 2018, Schedule 1, Part 2 – the processing is necessary for reasons of substantial public interest.

vi. **FAIR PROCESSING**

PABCIS has a fair processing policy, and carries out a Privacy Impact Assessment in relation to the sharing of any data. PABCIS notifies all individuals that it is storing data in relation to them and their activities and there is a right of appeal in relation to the storage of this data. PABCIS only stores data for as long as is necessary during the enforcement period of an exclusion notice. PABCIS does not share data on juveniles. PABCIS has privacy notices on its website and individuals are made aware of its Privacy Policy at every opportunity.

Law Enforcement Processing

Staffordshire Police also have a Privacy Policy which is available on its external website as is its Data Protection Policy.

The processing is lawful and fair and is for prevention of disorder and crime as per policing purposes.

In addition, Staffordshire Police will only process the personal data in ways the data subject would reasonably expect and we do not deceive or mislead people when we collect their personal data - we ensure this by providing privacy information in our Privacy Notice

Non-Law Enforcement Processing – additional transparency requirement

In order to be transparent PABCIS will provide privacy information to the data subjects by taking the following reasonable steps:

- The sharing is covered in all the parties' main Privacy Notices
- A specific privacy notice is provided to the data subject at the point of collection – every individual is informed that PABCIS holds its data unless there are grounds to show that this will interfere with due process in a criminal investigation.

PABCIS will also have additional ways of providing privacy information as follows:

- Privacy information is contained on all warning's letters, data notification letters, website

vii. HUMAN RIGHTS IMPACT ASSESSMENT

Human Rights Act 1998

Article 8: Right to respect for private and family life, home and correspondence

Interference is necessary in a democratic society for:

Public Safety, economic wellbeing, prevention of disorder or crime – there can be no interference with the exercise of this right except as such in accordance with law and is necessary in the interests of public safety, the prevention of disorder or crime or for the protection of the rights and freedoms of others. The aim of this agreement is to prevent crime and disorder and maintain

public safety in and around PABCIS member premises across Staffordshire. This is therefore compatible with the core functions and duties of police, as founded under common law.

The information supplied, is proportionate for the needs of this agreement and the minimum necessary for the purposes of identifying and monitoring individuals who have committed crime and anti-social behaviour in and around the members' premises of PABCIS.

The images provided as part of this agreement may also be used to support the provision and enforcement of exclusion orders. This information is necessary to ensure the correct identifications of individuals subject to such a notice before attempts are made to prevent them from entering or remove them from the premises.

The images and information may also be utilised for the purpose of sharing intelligence and information through briefings and alerts within the membership of PABCIS

This information sharing supports law and order whilst working to improve its effectiveness and the public confidence in it, which is an activity necessary to a democratic society

viii. **TRANSFER/SHARING OF THE INFORMATION**

Secure transfer:

Members of staff at the PABCIS Hub will routinely access data directly from police systems.

Any transfer of data will be by encrypted stick issued by Staffordshire Police, or by secure email and stored on PABCIS secure system DISC in accordance with PABCIS Data Retention Policy.

PABCIS Hub staff will send their requests for information to Staffordshire police via secure email. Staffordshire Police will provide the response back via secure email.

Controlling the Need to Know:

PABCIS does not share personal data with the wider PABCIS membership other than to support the management of the exclusion scheme or to assist staff in member premises in identifying individuals involved in committing crime, disorder or anti-social behaviour in or in the vicinity of members' premises. Information shared will be limited to a recent image, name, date of birth, type of incident and any relevant violence warnings. Address details will be shared with members only for the purposes of Civil Recovery processes. All other information will be sanitised

All staff at the PABCIS HUB will have undertaken relevant Security of Information Training and will adhere to the standards set out in the Staffordshire Police Government Security Classification Policy and will adhere to the handling conditions set out in the Staffordshire Police GSC Policy.

Mutual assurance of UK GDPR/DPA'18 compliance maturity:

Strict controls are in place and UK GDPR will be complied with.

PABCIS will maintain its accreditation to the common national minimum standards and will from time to time undertake an ICO self-assessment.

Staffordshire Police will carry out a Bi annual audit of PABCIS.

ix. STORAGE OF THE INFORMATION

- PABCIS stores personal and special category data on its secure DISC system
- PABCIS maintains other records not relevant to DISC in electronic format which will be password protected. This will include briefings and meeting notes which record decisions.
- PABCIS keeps limited paper records which are stored securely in accordance with its data storage policy.
- PABCIS staff have access to all data on the DISC system.
- There is one individual from the PABCIS HUB identified as an administrator of the DISC system
- Business members of PABCIS and their nominated staff have access to limited data on the PABCIS HUB in accordance with PABCIS Codes of Practice and operating process, and in accordance with the terms and conditions of PABCIS membership. Members are only able to access information relevant to their area and business sector via the PABCIS DISC system but are not permitted to store any such data.
- Information shared at briefings is transferred to briefing location on secure encrypted stick and triple password protected laptop.
- Staffordshire Police store the requests from PABCIS in the Information Exchange email account for 2 years.

x. RETENTION AND DELETION

- Information on DISC is retained in accordance with the PABCIS retention and removal policy which is nine months after the expiry of an exclusion notice or warning.
- Information is removed automatically from DISC in accordance with the PABCIS retention and removal policy.
- Any information stored in hard copy will be destroyed in accordance with Staffordshire Police destruction policy and shredded accordingly.
- Briefings will be retained electronically for 9 months
- The Central Disclosure Unit of Staffordshire will retain details of the requests they receive from PABCIS for 2 years in accordance with the Data Retention Policy relevant to "other requests"

xi. TRANSFERS OUTSIDE THE EEA

No information will be transferred outside of the EEA

xii. FURTHER INFORMATION

Data Re-use – PREVENTING CREEPAGE

Information disclosed by either partner is protected against unlawful re-use by the second data protection principle, which prohibits data collected for one purpose being reused for another. If data disclosed is needed for another purpose, it will be re-used only if the new purpose is lawful or a lawful exemption applies, and only data necessary and proportionate to that new purpose will be used.

Therefore, the partners undertake to ensure that any use or re-use of the data disclosed is lawful, compliant with the data protection principles and processed using appropriate safeguards to the rights and freedoms of the data subject.

Controller to Controller sharing

- Once data is shared each controller owns the data in their own right

Supporting Data Rights

- Staffordshire Police and PABCIS Data Controller will inform each other if they send or receive inaccurate data immediately.
- Staffordshire Police and PABCIS Data Controller must transmit changes to data they have disclosed to Partners immediately
- Staffordshire Police and PABCIS will provide advice on their websites in relation to data subject rights
- All security incidents and breaches involving Police data shared under this agreement must be reported immediately to: information.security@staffordshire.pnn.police.uk
- All data subject rights requests received by the parties involving Police data shared under this agreement must be notified within 2 working days to: rightofaccess@staffordshire.pnn.police.uk
- All Data Controllers must notify any changes to the data that they have disclosed to all relevant Parties within 2 working days; providing details of the erasure, rectification of restriction. All notifications sent to Police must be sent to: cdu@staffordshire.pnn.police.uk

Single Point of Contact (SPOC)

Each signatory agency must appoint **at least one** SPOC representative (ideally this should be a department rather than one person).

	Staffordshire Police	PABCIS
Dept	Information Governance and Assurance	NA
Group Email	SPDPO@staffordshire.pnn.police.uk	businesscrimepartnership@gmail.com

VERSION RECORD

Author	PABCIS
Implementation Date	01/12/2023
Review Date	30/11/2025
Version Number	1 of 2023/25
Freedom of Information Act	Consult with the CDU for advice; yes in full/yes in partial

Signatures

Originating organisations

	Staffordshire Police	PABCIS
Name	Supt [REDACTED]	[REDACTED]
Position	Superintendent Head of Licencing and the East Command	PABCIS Operations Manager
Signature	[REDACTED]	[REDACTED]
Date	<u>04.12.2023</u>	<u>04/12/23</u>