

Wales Police Schools Programme

## **Joint Processing Agreement**

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## Status of this document

This document was published on 19/11/2021 and is effective as of that date. It may be replaced by WPSP as per section 8. The latest copy of this document can always be found at:

<https://schoolbeat.cymru/documents/wpsp-jpa>

## Welsh Language / Cymraeg

This document is available in Welsh. / Mae'r ddogfen hon ar gael yn Gymraeg.

<https://schoolbeat.cymru/dogfennau/ryhc-cpc>

## 1 Introduction to this JPA

- 1.1 This joint processing agreement (JPA) has been prepared to support the regular operation of the Wales Police Schools Programme (WPSP) within partner forces.
- 1.2 The purpose of this agreement is to explain the legal basis for the partner forces' cooperative work and mutual aid to support a coordinated national programme.
- 1.3 Partner forces operate this agreement in pursuance of their duties to prevent, investigate, detect and prosecute criminal offences and to execute criminal penalties and to safeguarding against and prevent threats to public security.

## 2 Joint processing partners

- 2.1 This JPA covers the processing of information by and on behalf of the following organisations:

| Partner force      | Responsible manager   |
|--------------------|---|
| Dyfed Powys Police | Regional Lead for School Liaison  |
| Gwent Police       | Regional Lead for School Liaison  |
| North Wales Police | Regional Lead for School Liaison  |
| South Wales Police | Regional Lead for School Liaison<br>(South Wales Police matters)<br>National Lead for School Liaison<br>(WPSP policy matters) |

- 2.2 All partner forces are joint controllers under this JPA.
- 2.3 This processing is part of the ongoing operation of WPSP within the partner forces.

## 3 Rationale and basis for joint processing

- 3.1 Partner forces who implement WPSP are applying a consistent policy to police school liaison across Wales. The similarity between partners' programmes means that it is often optimal to operate a single system to store and process programme data.
- 3.2 This JPA also allows practitioners to share expertise and make the best use of public resources for the management and delivery of WPSP.
- 3.3 Information may be processed under this agreement for law enforcement purposes in accordance with the Data Protection Act 2018 (DPA) Part 3.
- 3.4 Information may be processed under this agreement for other purposes in accordance with DPA Part 2, the General Data Protection Regulation (GDPR).

- 3.5 Sensitive personal information processed under this arrangement must meet one or more DPA Schedule 8 criteria. The following criteria apply to the work of WPSP:
- 3.5.1 Processing that is necessary for the safeguarding of children and of individuals at risk.
  - 3.5.2 Processing that is necessary to protect the vital interests of the data subject or another individual.
  - 3.5.3 Processing that is necessary for the administration of justice.
  - 3.5.4 Processing that is necessary for the purpose of preventing fraud.
  - 3.5.5 Processing of personal data that is already in the public domain (manifestly made public).
  - 3.5.6 Processing that is necessary for necessary for legal claims.
  - 3.5.7 Processing that is necessary for a court to act in its judicial capacity.
  - 3.5.8 Processing that is necessary for reasons of substantial public interest.

## 4 Requests for processing

- 4.1 A partner force (the origin force) which has data which is held or processed as part of operating WPSP may request that another partner (the host force) performs this on their behalf. Such requests might include:
- operating a database or electronic form system;
  - operating a website;
  - covering a staff absence;
  - performing statistical analysis;
  - conducting a survey;
  - completing a report or policy document.
- 4.2 Requests for processing under this agreement should be made in writing.
- 4.2.1 Requests which specify a singular task are completed by their written response.
  - 4.2.2 Requests which cover a fixed period of time must specify an end date.
  - 4.2.3 Requests which are ongoing will be listed in an appendix to this document.
  - 4.2.4 Requests should be brought to the attention of the National Lead for School Liaison.
  - 4.2.5 A partner force has the right to refuse a request, for instance in the event that there is insufficient capacity to fulfil the request.
  - 4.2.6 The National Lead for School Liaison has the right to oversee, refuse, amend or override all requests.
- 4.3 Upon the dissolution of this agreement or the withdrawal of any partner force, all data passed to or from withdrawing partners must be erased from other partners' systems, save that no partner shall be required to erase data that they must retain by law.

## 5 Information to be processed

- 5.1 Information from practitioner form returns, performance indicators and statistics on the operation of WPSP.
  - 5.1.1 The subjects of this data are practitioners of partner forces.
  - 5.1.2 This information concerns the activities and management of practitioners engaged in delivering WPSP.
- 5.2 Information in the WPSP School Beat Incident Notebook.
  - 5.2.1 The subjects of this data are service users of partner forces.
  - 5.2.2 This information documents the work carried out by school police officers. Due to the nature of the incidents dealt with, partner forces always treat this as sensitive personal information.
  - 5.2.3 Operation of this system is carried out in accordance with the WPSP School Beat Incident Notebook Data Protection Policies and Procedures  
<https://schoolbeat.cymru/documents/wpssp-sbin>
- 5.3 Any other necessary information for carrying out WPSP under the partner forces' duties as DPA Section 31 law enforcement controllers.
  - 5.3.1 The subjects of this data are service users of partner forces.
  - 5.3.2 Partner forces must be permitted to carry out their responsibilities under statutory and common law. Such duties include the administration of justice.

## 6 Disclosure and right of access

- 6.1 Data subjects should direct requests to the police partner whose service they interact with.
- 6.2 Disclosure of information will be conducted within the legal framework of the Data Protection Act 2018 (DPA), the Human Rights Act 1998 and in compliance with the common law duty of confidence.
- 6.3 The origin force remains the controller of the data at all times.
- 6.4 The origin force agrees to provide a channel for lawful requests for information, which the host force will comply with in reasonable and timely manner. Such requests might include:
  - a request made under the Freedom of Information Act 2000;
  - a subject access request made under DPA;
  - a request for information as part of legal proceedings;
  - a court order.

## 7 Obligations on the host force

- 7.1 A partner force (the host force) who is processing data at the request of another partner (the origin force) becomes subject to the following obligations.
- 7.2 The host force must only act on the request of the origin force, unless required by law to act without such instructions.
- 7.3 The host force must ensure that practitioners who process the data treat such data in confidence.
- 7.4 The host force must take reasonable measures to protect the data that is jointly processed.
  - 7.4.1 The host force must monitor their security provisions and report breaches of personal information to the origin force and the Information Commissioner's Officer as required.
- 7.5 The host force may only engage a sub-processor under written contract.
  - 7.5.1 The host force may only engage a sub-processor with the origin force's prior authorisation, or where the sub-processor's contract has been approved by the National Lead for School Liaison.
- 7.6 The host force must assist the origin force by responding to requests for lawful disclosure, such as Freedom of Information or subject data access requests.
- 7.7 The host force must allow the origin force to conduct audits and inspections of the processing conducted under this JPA.

## 8 Review of this JPA

- 8.1 This agreement will be reviewed every two years, or more frequently as required.
- 8.2 The responsible manager for the review of this agreement is the National Lead for School Liaison.
- 8.3 Later versions will replace this document and come into force when they are issued. The SchoolBeat.cymru website will be used to publish revisions to this document.

## Appendix A – Glossary

| Term                              | Definition   |
|-----------------------------------|--|
| <b>Controller</b>                 | A person, legal entity, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.  |
| <b>DPA / Data Protection Act</b>  | The Data Protection Act 2018 regulates the processing of personal information in the UK. DPA Part 2 implements the provisions known as UK GDPR. DPA Part 3 concerns law enforcement processing.  |
| <b>Host force</b>                 | A partner organisation to this agreement which is acting as a data processor, acting on the instruction of another partner.  |
| <b>Joint controller</b>           | When two or more controllers jointly determine the purposes and means of processing, they are known as joint controllers.  |
| <b>Joint processing agreement</b> | An agreement through which organisations become joint controllers. The agreement sets out  |
| <b>Origin force</b>               | A partner organisation to this agreement which is acting as a data controller, requesting processing by another partner.   |
| <b>Personal information</b>       | Information which relates to an individual, which enables them to be uniquely identified from that information on its own or from that or other information available to that organisation. It includes personal data within the meaning of DPA Part 1 and information relating to the deceased. |
| <b>Processor</b>                  | A person, legal entity, public authority, agency or other body which processes personal data on behalf of a controller.  |
| <b>Practitioner</b>               | An inclusive term to describe any staff working for the partner organisations involved in the care of or provision of services for the service user. For example: police officer, teacher, health professional, social worker, volunteer, etc.   |

| Term   | Definition  |
|--|---|
| <b>School police officer</b>                 | <p>A police officer working to implement the WPSP in their local police force.</p> <p>These posts are also referred to as School Community Police Officers (SCPOs) or School Liaison Officers (SLOs).</p>   |
| <b>Sensitive personal information</b>        | <p>Personal information that relates to the racial or ethnic origin of an individual, political opinions, religious beliefs or other beliefs of a similar nature, whether they are a member of a trade union, physical or mental health or condition, sexual life, commission or alleged commission of any offence, or any proceedings for an offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.</p> <p>Sensitive personal information must be processed for a purpose specified in DPA Schedule 8 such as the safeguarding of children.</p> |
| <b>Service user</b>                          | <p>An inclusive term to describe those people who have contact with service providing organisations within Wales and have information recorded about them. Partner organisations may refer to these people as data subjects, pupils, learners, patients, clients, lawful representatives, etc.</p>  |
| <b>WPSP / Wales Police Schools Programme</b> | <p>A national crime prevention programme operated by Welsh Government, Dyfed Powys Police, Gwent Police, North Wales Police and South Wales Police. WPSP is a direct continuation of the AWSLCP (All Wales School Liaison Core Programme) and is publicly advertised on the website <b>SchoolBeat.cymru</b>.</p>  |



## Appendix B – List of Ongoing Processing

### Form return system for school police officers

- Host force: South Wales Police
- Origin forces: Dyfed Powys Police, Gwent Police, North Wales Police

### SchoolBeat.cymru website

- Host force: South Wales Police
- Origin forces: Dyfed Powys Police, Gwent Police, North Wales Police
- Governing document: SchoolBeat Website Data Protection Policies and Procedures

### School beat incident notebook

- Host force: South Wales Police
- Origin forces: Dyfed Powys Police, Gwent Police, North Wales Police
- Governing document: WPSP School Beat Incident Notebook Data Protection Policies and Procedures

### Technical development and support for WPSP

- Host force: Gwent Police
- Origin forces: Dyfed Powys Police, North Wales Police, South Wales Police
- Nature of provision: 1 Full-time staff member with responsibility to report to and advise the National Lead for School Liaison