



## **EAST MIDLANDS SHARED SERVICES JOINT COMMITTEE** **24 SEPTEMBER 2018**

<b>Subject:</b>	East Midlands Shared Services Data Processing Agreement
<b>Corporate Director(s)/ Director(s):</b>	Laura Pattman – Strategic Director of Finance, Nottingham City Council (NCC) Chris Tambini – Director of Corporate Resources, Leicestershire County Council (LCC)
<b>Report author and contact details:</b>	Jill Turner – Business Development Manager East Midlands Shared Services 01163055308 Jill.turner@emss.org.uk
<b>Key Decision</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Subject to call-in</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Summary of issues (including benefits to citizens/service users):</b>  This report seeks approval to sign an interim Data Processing Agreement between the two Councils	
<b>Recommendation(s):</b> The EMSS Joint Committee is requested to:	
1 Review and approve the attached agreement (appendix A) and authorise the EMSS sponsors to sign on behalf of their respective Councils.	

### **1. REASONS FOR RECOMMENDATIONS**

- 1.1. To reassure Joint Committee that there are appropriate controls in place for the correct handling of data.
- 1.2. To ensure that there is a GDPR compliant agreement between the two councils whilst work is completed on the review of the EMSS Partnership Agreement as part of the Fit for the Future Programme.

### **2. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 2.1 To rely on the existing Information Sharing Agreement or to bring forward the work on reviewing the Partnership Agreement. The legal advice from both councils is that

the use of a data processing agreement is best way to ensure GDPR compliance whilst the Partnership Agreement is being reviewed.

### **3. BACKGROUND**

- 3.1 This report will update Joint Committee on the work undertaken to ensure that information sharing protocols are in place since the General Data Protection Regulation (GDPR) came into force in May of this year.
- 3.2 The EMSS Partnership Agreement includes an Information Sharing Protocol signed in 2011 to regularise the processing and handling of data between the partners.
- 3.3 The Fit for the Future Programme includes a Governance work stream that will review the partnership agreement and ensure that it is fit for purpose going forward. Part of this work will include reviewing information governance arrangements.
- 3.4 However in the interim both partners agreed that a Data Processing Agreement (DPA) was required to ensure that EMSS was GDPR compliant.
- 3.5 The DPA has been drafted by both Council's Information Governance services and reviewed by their respective Legal Services.

### **4. FINANCIAL COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

None.

### **5. LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1. Legal advice has been taken from NCC & LCC's Legal Services in relation to Data Processing Agreement
- 5.2. There are no procurement implications considered to arise directly from this report
- 5.3. There are no Crime and Disorder Act implications considered to arise directly from this report.

### **6. SOCIAL VALUE CONSIDERATIONS**

- 6.1. None

### **7. EQUALITY IMPACT ASSESSMENT (EIA)**

None

**8. LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT  
(NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT  
INFORMATION)**

8.1. None

**9. PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

9.1. General Data Protection Regulations

**10. OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

11.1 Information Governance