

Data Sharing Protocol between HO and the Independent Anti-Slavery Commissioner

Purpose

1. The purpose of this protocol is to set out the principles for secure information sharing between the Independent Anti-Slavery Commissioner ('IASC') and the Home Office ('HO') (together, 'the parties'). This covers situations where, in the course of the working relationship between the parties, data-sharing is required (both routinely and on an ad hoc basis). It does not cover day-to-day, routine correspondence between the IASC and HO.

Background and Approach

2. Part 4 of the Modern Slavery Act 2015 ('the Act') established the role of the IASC to spearhead the UK's response to modern slavery. The [Modern Slavery Strategy](#) sets out the comprehensive cross-Government approach to tackling modern slavery. The role of the IASC is a key part of that strategy. In addition, the IASC's own [strategic plan](#) (2019-2021) sets out the IASC's priorities, including advocating for the creation and publication of improved evidence, research and data on the UK's response to modern slavery. With that in mind, this document is intended to set out principles governing data sharing between the IASC and HO to ensure that information can be disclosed efficiently when necessary, to enable both parties to carry out their functions as effectively and as transparently as possible.
3. The Memorandum of Understanding (MOU) between the HO and the IASC envisages that the HO and the IASC would have a data sharing protocol in place. This document therefore intends to underpin that MOU by setting out the parameters within which information will be shared between the parties. The document first deals with sharing of information more generally, then goes on to deal with sharing of personal data, which must of course be done in compliance with the data protection legislation.
4. Section 43 of the Act sets out the duty of specified public authorities to co-operate with the IASC in any way the IASC considers necessary for the purpose of the IASC's functions. Schedule 3 of the Act lists the specific public authorities that fall under this duty. The Home Office, as an organisation, is not included in this list¹. However, in order to effectively exercise her functions as set out in section 41(1) of the Act, the IASC considers it will be necessary to have sight of information held by the Home Office on occasions. The Home Office will as far as reasonably practicable comply with requests made to it, via the process described in this document and in the spirit of Section 43 of the Act. This is in line with the Government's [response](#) to the Independent Review of the Modern Slavery Act, whereby the Government accepted the Independent Review's recommendation that the IASC should have sufficient access to Government data to carry out scrutiny of the response to modern slavery.

¹ To note, however, UK Visas and Immigration, Immigration Enforcement and Border Force are in scope in Schedule 3.

Disclosure of information by Home Office

5. When the IASC considers it is necessary to have sight of information held by the Home Office, in order to effectively exercise her functions as set out in s41(1) of the Act, the IASC should make a request from the HO for the information in question.
6. Requests may be made on a one-off basis, or for the regular provision of specified information. When making a request on a one-off basis, or on the first occasion when regular provision is requested, the IASC will set out as clearly as possible:
 - a) Why she considers that the information is necessary for the exercise of her functions as set out in the section 41(1) of the Act;
 - b) What information is being requested;
 - c) The purpose for which it will be used;
 - d) Whether she intends to publish the information;
 - e) Who will have access to the information;
 - f) How the information will be stored and for how long, and
 - g) How the information will be disposed of.
7. When considering sharing the information sought the HO must satisfy themselves:
 - a) That the information and its proposed use is necessary for the exercise of the functions of the IASC as set out in the section 41(1) of the Act;
 - b) Whether it is content to agree to any proposed publication of the information in question (and if necessary, the HO and IASC will work together to agree what can be published);
 - c) That the proposals for access to the information and for its [storage](#) and [disposal](#) are appropriate;
 - d) That the information can lawfully be shared; and
 - e) That the information is labelled with appropriate security classifications in line with the Government Security Classifications [guidance](#).

Disclosure of information by the IASC

8. In carrying out its functions, the HO may request information that the IASC may hold to help inform its work. Request may be made on a one-off basis, or for the regular provision of specified information. When making a request on a one-off basis, or on the first occasion when regular provision is requested, the HO will set out as clearly as possible:
 - a) Why the HO considers the information necessary to support delivery of the Modern Slavery Strategy;
 - b) What information is being requested;
 - c) The purpose for which it will be used;
 - d) Whether the HO intends to publish the information;
 - e) Who will have access to the information;
 - f) How the information will be stored and for how long, and
 - g) How the information will be disposed of.
9. When considering sharing information with the HO, the IASC must satisfy herself that:
 - a) The information and its proposed use are necessary to support deliver of the Modern Slavery Strategy;

- b) Whether any proposed publication of the information would be acceptable (if necessary, the IASC and HO representatives will work together to agree what can be published);
- c) The proposals for access to the information and for its storage and disposal are appropriate;
- d) sharing the information is lawful; and
- e) sharing the data does not undermine the independence of the IASC role.

Classification of Information

Official and Official-sensitive

- 10. It is not envisaged that any information classified higher than 'official-sensitive' will need to be shared. Separate arrangements will be made for considering any request for sharing information of a higher classification, should such a request arise. HO officials may have to seek approval from senior officials or Ministers for 'official-sensitive' information to be shared with the IASC. That may lead to requests for additional justification from the IASC before a decision is made about sharing the information.
- 11. Requests to the HO for information that falls in scope of this data sharing agreement (i.e. information held by parts of the Home Office not in scope of Section 43 of the Act) will normally be made in the first instance to the representative in Modern Slavery Unit (MSU) (see above). If the information is held by teams in the HO other than MSU, arrangements may be made for direct requests to those units on a case by case basis. Each request will be dealt with in line with the principles of this protocol.

Timing

- 12. Both HO and the IASC should endeavour to provide any information requested by the other as soon as possible. Either party should acknowledge the request within 3 working days, informing the other party that the request is being considered. Where the relevant party has satisfied themselves that the information requested can be shared:
 - Official information - HO and the IASC should aim to provide the information within 10 working days from the date of the request.
 - Official - Sensitive information – HO and the IASC should aim to provide the information within 15 working days from the day of the request.

Escalation process

Escalation process for the IASC

- 13. Where the IASC has requested information from the HO in accordance with the provisions set out above, and that has not been forthcoming from negotiations at working level, the following escalation process may be used:

The IASC will inform the HO Policy lead on Modern Slavery of the request, the reasons for it, any objections raised by the HO and the attempts made to resolve the matter.

If the HO Policy lead on Modern Slavery is satisfied that the request is reasonable and that the IASC has provided clear justification as set out above, the matter will be escalated to the Director for Tackling Slavery and Exploitation.

If that does not resolve the matter it may be escalated to the Senior Sponsor of the IASC (DG SOC).

If still unresolved the matter may be escalated to Ministers. This should be a last resort in exceptional circumstances.

Escalation process for the HO

14. There is no escalation process for the HO. The IASC's decision on whether to share information with the HO is final. The IASC is independent of the HO and she has ultimate say over what information her office is willing to share.

Personal information

15. It is not considered that there will be a need to share personal information routinely – it is envisaged that any personal data will in the ordinary course be anonymised. However the IASC might request personal information on an ad hoc basis, for example to support specific research projects.
16. In the event that it is considered appropriate to share personal data routinely, the parties will prepare the necessary data sharing arrangements and impact assessments to ensure compliance with the data protection legislation.
17. In the event of an ad hoc request for information which includes the sharing of personal data, the parties will satisfy themselves that there is a legal basis for sharing and that the proposed disclosure complies with the data protection legislation. HO officials will seek approval from senior officials and Ministers for routine or ad hoc sharing of personal data.

Other Government Departments (OGDs)

18. For information held by OGDs, the IASC will make her own requests to these government departments/bodies as she considers appropriate. The MSU and/or Home Office Sponsorship Unit will help the IASC to identify appropriate contacts in OGDs/other bodies to whom to address information requests.

Signatories:



Dame Sara Thornton, Independent Anti-Slavery Commissioner



Miriam Minty, Head of Modern Slavery Unit, Home Office

Last updated: 13 May 2020