

S J Kerr
Via email: request-720986-
c83de6fe@whatdotheyknow.com

Date 06 April 2021

Your ref

Our ref EDIR 30939

Dear Ms Kerr

Freedom of Information (Scotland) Act 2002 – Request for Review

I write regarding your recent email in which you asked us to review the outcome of your request for information under the Freedom of Information (Scotland) Act 2002. The purpose of the review is for the Council to consider again any the response provided to a request for information it has received. In undertaking the review, I can decide to uphold the response provided to you either with or without variation or can substitute the response for a new one.

To conduct my review, I have examined all the previous correspondence associated with your request and discussed your request with colleagues within various Council services. Firstly, please accept my apologies for the delay in providing you with a response. This is not the Council's usual service standard. I accept that the Council failed to respond to your request with the statutory timescale, and for this I am sorry.

You made a request for information on 25/01/2021 where you asked the following:

What is the recorded date (or dates) when the Data Processor (or Controller) City of Edinburgh Council entered into an Information Sharing Agreement (ISA), also known by the ICO as a Data Sharing Agreement, with Police Scotland (Police Service of Scotland) relating to the sharing of personal information on Data Subjects where data/information would be defined as 'sensitive' information e.g. medical information or alleged medical information?

Your request has been processed and considered under the Freedom of Information (Scotland) Act 2002. I have approached the appropriate Council departments and the following information is held.

Safer Stronger Communities:

Multi-Agency Public Protection Arrangement (MAPPA) where CO data and allegations of criminality of data subjects is shared. We entered into this multi-agency arrangement in 2007.

Multi-Agency Risk Assessment Conference (MARAC) where CO data and allegations of criminality of data subjects is shared. We entered into this multi-agency arrangement in 2013 with the MARAC pilot, following which MARAC was rolled out across the city.

We entered into this multi-agency arrangement in 2013/2014 and Disclosure Scheme for Domestic Abuse Scotland (Police Scotland led) - we entered into this multi-agency arrangement in 2015.

Children's Services:

For matters relating to children who offend:

We have an ISA with Police for sharing information on young people who offend dated 2013. This is being reviewed nationally due to the creation of Police Scotland.

In relation to the Sidestep approach (Serious and Organised Crime) we have an ISA dated 10 August 2020.

Procurement:

The City of Edinburgh Council's Commercial and Procurement Services division entered into an Information Sharing Protocol agreement with Police Scotland on the 3 October 2013 for the purpose of assisting in the prevention of organisational fraud and organised crime through the Council's contract tendering process.

Edinburgh Health and Social Care Partnership:

The Adult Protection legislation puts a 'duty to co-operate' on the Council and Police as part of the Council's duty to make inquiries where there is a suspicion of risk of harm. We do not hold a written agreement for this.

I hope that this response clarifies the Council's position on this matter. Following my review, I acknowledge the Council failed to respond within the statutory timescale and have now provided you with the information that is held.

That concludes my handling of the review. If you remain unhappy with the way that the Council has handled your information request, you have a right of appeal to the Scottish Information Commissioner. You must submit your complaint to the Commissioner within 6 months of receiving this review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611

Website www.itspublicknowledge.info/Appeal E-mail: enquiries@itspublicknowledge.info

Please note that, once the Commissioner provides you with a decision on any application made to him, you have the right to lodge an appeal against the decision on a point of law to the Court of Session.

Yours sincerely,

Victoria Robertson
Information Governance Unit