

Health & Safety Executive for Northern Ireland (HSENI)

Data Sharing Agreement with Mid Ulster District Council

Agreement Owner	
Version	1.0
Issue Date	13/12/ 2023

INTRODUCTION

This document is an agreement which governs the sharing of information between the Health and Safety Executive Northern Ireland (HSENI) and Mid Ulster District Council. It covers the routine or recurring transfer and access to personal data, including sensitive personal data.

The following relevant laws are acknowledged as binding:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Environmental Information Regulations 2004

The parties will also be bound by the mandatory minimum measures for handling personal data as laid out by the Cabinet Office in:

- Data Handling Procedures in Government;
- Cross Government Action Mandatory Minimum Measures documentation.

The parties have determined that it is fair, lawful and in the public interest to share this data (see Annex 1).

BACKGROUND

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 (RIDDOR), places a legal duty on employers, self-employed people and people in control of premises to report deaths, certain types of injury, some occupational diseases and dangerous occurrences that *'arise out of or in connection with work'*. Generally, this covers incidents where the work activities, equipment or environment (including how work is carried out, organised or supervised) contributed in some way to the circumstances of the accident. RIDDOR reports alert enforcing authorities to events and helps them to decide whether to investigate serious incidents.

The enforcing authority under RIDDOR is either the Health and Safety Executive for Northern Ireland (HSENI) or the local Council and this is allocated by the Main Activity in the location the incident occurred (as set out in the Health and Safety (Enforcing Authority) Regulations (NI) 1999).

These reports enable the HSENI or local Councils (the 'enforcing authorities') to identify where and how health and safety risks arise, track trends and help target activities.

Since 1 April 2013, employers have the option to report all work-related incidents to HSENI regardless of who the relevant enforcing authority is for the business. HSENI will process all forms onto its RIDDOR database and where necessary, forward on to the appropriate local Council to register and process in the normal way.

In addition to RIDDOR, reports/notifications may also be made to the parties under:

Regulation 32 of the Electricity Safety, Quality and Continuity Regulations (Northern Ireland) 2012

Placing a duty on those working on, or owning power network apparatus such as generators, distributors, meter operators and others to report injuries, near misses, fires or explosions which have occurred as a result of work on or near to electrical systems by others, or incidents arising from leisure and other non-work activities in proximity to electrical plant, or from equipment failure

Construction (Design and Management) Regulations (Northern Ireland) 2016 (CDM Regulations)

The NI10 form is completed and submitted in order to make notifications of new construction projects as defined in the CDM regulations.

Regulation 9 of the Control of Asbestos Regulations 2012

All asbestos removal work needs to be carried out with the appropriate controls in place. However, for some types of work, employers must meet additional requirements. Licensed asbestos removal work requires notification to the relevant enforcing authority 14 days prior to the work commencing. In addition, notifiable non-licensed work or NNLW, also requires employers to notify work with asbestos to the relevant enforcing authority before the work begins. In both cases, depending upon the circumstances, the enforcing authority for the removal may be either the relevant Council or HSENI.

Regulation 10 of the Lifting Operations and Lifting Equipment Regulations (NI) 1999

Notifications of defects in lifting equipment which poses a danger to persons

Complaints about unsafe work activities

Complaints made under the Health and Safety at Work (NI) Order 1978.

On occasion reports may incorrectly be submitted to a local Council, thus requiring transfer to the HSENI as the correct enforcing authority or incorrectly submitted to the HSENI requiring transfer to the appropriate Council.

The purpose of this data sharing agreement is to acknowledge the sharing of information between the HSENI and Mid Ulster District Council which allows each to fulfil their statutory functions under the legislation referred to above.

AGREEMENT

- Be bound by the terms of this agreement;
- Protect Crown Copyright and any intellectual property rights invested in the information provided;
- Not exploit the information for commercial purposes;
- Use the information only for the purposes stated;
- Keep the data for no longer than is necessary;
- Provide access to the minimum number of people for fulfilling the purpose;
- Maintain a current list of those with access to the information;

Each party to this agreement will not pass on or disclose any of the information provided to them to any Third Party unless required to by law.

Material changes to the agreement may be made only with the consent of both signatories.

General nature of the information transferred	<ol style="list-style-type: none"> 1. Name of person making the report; 2. Person making the report – their job title; 3. Person making report – their telephone number; 4. Person making report – their email address; 5. Signature of person making the report; 6. Name of injured party/deceased; 7. Address of the injured party/deceased; 8. Home phone number of injured party/deceased; 9. Employment details of injured party/deceased; and 10. Details of Injury (health information).
Information Asset Owner for HSENI - Name:	Danielle Mills
Signature: (Deputy Principal level or above)	Danielle Mills
Date:	13.12.2023
DP Registration Number: (mandatory where personal data is involved)	ZB395783
Name of Council: (legal entity and address)	Mid Ulster District Council
Name of Responsible Officer:	Melanie Patterson
Position:	Environmental Health Service Manager
Signature:	
Date:	02.01.2024
Contact details:	Tel : 03000 132 132
DP Registration Number: (mandatory where personal data is involved)	ZA086387

General Details of the Information Transfer	
Security Impact Level of data	Personal data and sensitive personal data
Is personal information included?	Yes
Is the data anonymised?	No
Protective Marking applied to the data	OFFICIAL - SENSITIVE
Scale, size or volume of data (e.g. no. of records and aggregation)	On-going and dependent upon reports/notifications made to the parties
Term of the agreement (duration)	On-going
Continuance agreed until (date)	On-going
Review period for the agreement (at least annual)	Annual
HSENI Operational Owner	Danielle Mills
Council operational owner and / or named recipient	Melanie Patterson
Contact Details	03000 132 132
Details of the Transfer	
Method of Transfer or Transport (e.g. – on-line, (secure file transfer protocol) SFTP, Iron Key, Post, CD)	Electronic Transfer. The data will be sent to and from a secure mailbox.
Transport Medium	Electronically via Email
Frequency of transfer / periodicity	As required
Transfer log required? (Typically required for occasional or sporadic transfers)	Receipt confirmation required
Encryption required	No
Packaging and external marking requirements	N/A
Destination area – UK, EU or non-EU (NB: Agency Security Unit must be consulted in all cases of non-UK destinations)	UK

Handling & Usage by Mid Ulster District Council	
Responsible person maintaining logs of receipts and people with authorised access, for inspection	Melanie Patterson
Handling agency (e.g. a courier: not mandatory information)	N/A
Local Security measures and arrangements required	Stored in a secure folder with limited access.
Does the recipient fall within the EU Paying Agency requirements? (If so, they will be required to show compliance with IS 27001.)	N/A
Log of receipts required?	Yes
Treatment or disposition of Information after use (Normally destroyed or possibly returned)	As per Retention and Disposal schedule.
Retention period after use (if applicable)	As per Retention and Disposal schedule.
Handling & Usage by HSENI	
Responsible person maintaining logs of receipts and people with authorised access, for inspection	Danielle Mills
Handling agency (e.g. a courier: not mandatory information)	N/A
Local Security measures and arrangements required	Stored in a secure folder with limited access.
Does the recipient fall within the EU Paying Agency requirements? (If so, they will be required to show compliance with IS 27001.)	N/A
Log of receipts required?	Yes
Treatment or disposition of Information after use (Normally destroyed or possibly returned)	As per Retention and Disposal schedules
Retention period after use (if applicable)	As per Retention and Disposal schedules

List of Specific Data Items included in the Transfer	
<p>RIDDOR</p> <p>Report an Injury (NI2508)</p> <p>Report a Dangerous Occurrence (NI2508)</p> <p>Report a Disease Case (NI2508A)</p> <p>Report a Railway Incident (at a level crossing) (NI2508RB)</p> <p>Report a Railway Incident (not at a level crossing) (NI2508RA)</p> <p>Report of a Dangerous Gas Fitting (NI2508G2)</p>	<ol style="list-style-type: none"> 1. Name of person making the report 2. Person making the report – their job title 3. Person making report – their telephone number 4. Person making report – their email address 5. Signature of person making the report 6. Name of injured party/deceased 7. Address of the injured party/deceased 8. Home phone number of injured party/deceased. 9. Employment details of injured party/deceased. 10. Details of Injury
<p>Regulation 32 of the Electricity Safety, Quality and Continuity Regulations (Northern Ireland) 2012</p>	<ol style="list-style-type: none"> 1. Name of person making the report 2. Person making report – their job title 3. Person making report – their telephone number 4. Person making report – their email address 5. Signature of person making the report 6. Name of person(s) involved 7. That person's telephone number 8. That person's email address
<p>Construction (Design and Management) Regulations (Northern Ireland) 2016 (CDM Regulations)</p>	<ol style="list-style-type: none"> 1. Client name 2. Client email address 3. Client address and postcode 4. Client telephone number 5. Client signature plus printed name
<p>Regulation 9 of the Control of Asbestos Regulations 2012</p>	<ol style="list-style-type: none"> 1. Name of person making notification 2. That person's email address 3. That person's phone number
<p>Regulation 10 of the Lifting Operations and Lifting Equipment Regulations (NI) 1999</p>	<ol style="list-style-type: none"> 1. Name of person making the report 2. Person making report – their job title 3. Person making report – their telephone number 4. Person making report – their email address 5. Signature of person making the report
<p>Complaints about unsafe work activities</p> <p>Complaints made under the Health and safety at Work (NI) Order 1978.</p>	<ol style="list-style-type: none"> 1. Name of person making the complaint 2. That person's email address 3. That person's phone number

END

ANNEX 1 – LEGAL BASIS OF DATA SHARING

Both parties to this agreement rely upon Article 6(1)(c) (compliance with a legal obligation) and (e) (performance of a task carried out in the public interest) of the UK GDPR as the lawful basis for the sharing of the information to enable each to fulfil the statutory functions imposed upon them by the RIDDOR and the various statutory provisions referred to above.

Some of the information to be shared also falls within the scope of the definition of ‘*special category data*’ (*sensitive personal information*) under Article 9(1) of the UK GDPR, this refers to *personal data consisting of information as to –*

- (a) the racial or ethnic origin,*
- (b) political opinions,*
- (c) religious or philosophical beliefs,*
- (d) trade union membership*
- (e) data concerning health (whether physical or mental health or condition),*
- (f) data concerning a natural person’s sex life or sexual orientation*

The information reported to both the Council and HSENI can, on occasion, consist of information concerning an individual’s health.

Reliance is placed upon Article 9(2)(g) of the UK GDPR (substantial public interest) as a basis upon which such information is processed.

Section 10 (2) of the Data Protection Act 2018 requires, when relying upon Article 9(2)(g) of the UK GDPR, the processing must also to meet a condition in Part II of Schedule 1 to the DPA 2018. The relevant conditions for the processing of information identified above is that found in paragraph 6 of Part II of Schedule 1 to the DPA 2018 –

- (a) the exercise of a function conferred on a person by an enactment or rule of law;*
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.*

The relevant functions are those conferred upon the parties to this agreement by RIDDOR and the various statutory provisions referred to above.