



Ministry of Defence Police

Freedom of Information Manager

Room 126 Building 1070

MDP Wethersfield

Braintree CM7 4AZ

United Kingdom

Telephone: +44 (0)1371 85[REDACTED]

E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI2021/15548

RFI: 371/21

Date: 20 January 2022

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: DATA PROTECTION AGREEMENTS AND DATA BREACHES

We refer to your email dated 17th December 2021 to the Ministry of Defence Police which was acknowledged on 20th December 2021 2021.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

Please can you provide me with:

- **Copies of any Data Protection agreement(s) that police constables or police staff ('police employee') sign or agree when they join the force, and before they handle (or have access to) the personal data of the public, personal data acquired while in their role as police employees ('personal data').**
- **Any internal police guidance, procedures or policies for police employees that mishandle or allegedly mishandle personal data. ('data breach') that was acquired while in the role of a police employee.**
- **Please include for a data breach while on duty, off duty or after the cessation of employment, by any means.**
- **Please indicate who is responsible for investigating and/or taking appropriate action against any police employee (ex-employee) for such mishandling of personal data? Please include the same for on-duty, off duty or after employment cases.**
- **Who is responsible for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.**

- **Who is accountable for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.**
- **Who is responsible for holding the police employee under any of these circumstances.**

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

- **Copies of any Data Protection agreement(s) that police constables or police staff ('police employee') sign or agree when they join the force, and before they handle (or have access to) the personal data of the public, personal data acquired while in their role as police employees ('personal data').**

Police officers and staff within the Ministry of defence police are all Civil Servants and as such are bound by the Official Secrets Act. There is no specific DP Agreement that any police officers or staff are required to sign up to. However, ALL staff are required, as mandatory training, to complete a Data Protection course, and the MDP has a Privacy Notice which advises data will be processed in accordance with the Data Protection Act 2018

- **Any internal police guidance, procedures or policies for police employees that mishandle or allegedly mishandle personal data. ('data breach') that was acquired while in the role of a police employee.**

Please see the links to Police Conduct Regulations & Code of Ethics:

[Ministry of Defence Police Conduct Performance and Appeals Tribunals Regulations 2020](https://www.college.police.uk/ethics/code-of-ethics)
<https://www.college.police.uk/ethics/code-of-ethics>

- **Please include for a data breach while on duty, off duty or after the cessation of employment, by any means.**

Once employment has ceased then it wouldn't fall to MDP Professional Standards Department (PSD) If the case included offences whilst employed and then left it would still be covered under Police Conduct Regulations & Code of Conduct.

- **Please indicate who is responsible for investigating and/or taking appropriate action against any police employee (ex-employee) for such mishandling of personal data? Please include the same for on-duty, off duty or after employment cases.**

Ministry of Defence Police – PSD

- **Who is responsible for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.**

Ministry of Defence

- **Who is accountable for a said data breach? Again, this is for police employees on-duty, off-duty and after employment.**

Individuals are accountable for actions against data breach

- **Who is responsible for holding the police employee under any of these circumstances.**

Ministry of Defence Police

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office