

Dated **2019**

**National Anti-Fraud Network and
The Food Standards Agency**

**Collaboration Agreement Sections 78 and 79 of
The Investigatory Powers Act 2016**

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The Investigatory Powers Act 2016

Authorisations for Obtaining Communications Data

Collaboration Agreement

The Agreement

1. This is an overarching collaboration Agreement made under Section 78 of the Investigatory Powers Act 2016 ('the Act').
2. This Agreement is made for the purpose of the provision of a shared single point of contact service relating to the acquisition of communications data under the Act.

Background

3. The Investigatory Powers Act 2016 received Royal Assent on 29 November 2016. Section 78 of the Act provides that a collaboration agreement is an agreement (other than a police collaboration agreement) under which:
 - a relevant public authority (the "Supplying Authority") puts the services of other officers of that authority at the disposal of another relevant public authority ("the Subscribing Authority") for the purposes of the subscribing authority's functions under this Part, and
 - officers of the Supplying Authority act as single points of contact for officers of the Subscribing Authority.

Definitions and Interpretations

The Act	Means the Investigatory Powers Act 2016
Communications Data	<p>Has the same meaning as given by section 261(5) of the Act.</p> <p>Communications, data, in relation to a telecommunications operator, telecommunications service or telecommunication system, means entity data or events data</p> <p>(a) which is (or is <i>to be</i> or is capable of being) held or obtained by, or on behalf of, a telecommunications operator ' and</p> <p>(i) is about an entity to which a telecommunications service is provided and relates to the provision of the service, (ii) is comprised in included as part of, attached to or logically</p>

	<p>associated with a communication (whether by the sender or otherwise) for the purposes of a telecommunication system by means of which the communication is being or may be transmitted, or does not fall within sub-paragraph (i) or (ii) but does relate to the use of a telecommunications service or a telecommunication system,</p> <p>(b) which is available directly from a telecommunication system and falls within sub-paragraph (ii) of paragraph (a), or</p> <p>(c) which</p> <ul style="list-style-type: none"> (i) is (or is to be or is capable of being) held or obtained by, or on behalf of, a telecommunications operator, (ii) is about the architecture of a telecommunication system, and (iii) is not about a specific person, <p>but does not include any content of a communication or anything which, in the absence of subsection (6)(b), would be content of a communication.</p>
Independent Authorising Body	Section 60A of the Act confers power on the Investigatory Powers Commissioner (IPC) to authorise certain applications to acquire communications data. In practice the IPC will delegate these functions to his/her staff. These staff will sit in an independent authorising body which is known as the Office for Communications Data Authorisations (OCDA).
The authorising individual.	Has the meaning of: <ul style="list-style-type: none"> • The authorising officer in OCDA. • A Judicial Commissioner: a person who holds or has held Judicial office, appointed under section 227 of the Act, who is responsible for approving requests to identify or confirm journalistic sources.
Single Point of Contact	The single point of contact (SPoC) is an individual formally trained to facilitate the lawful acquisition of communications data and effective co-operation between a public authority, OCDA, telecommunications operators and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued with a relevant SPoC unique identifier.
Senior Responsible Officer	The Senior Responsible Officer must be of a senior rank in a public authority. This must be at least the same rank as the designated senior officer as required for the Subscribing Authority.
The Supplying Authority	Means Tameside Metropolitan Borough Council, Host Authority for National Anti Fraud Network (NAFN Data and Intelligence Services) whose principal office is at Council Offices, Dukinfield Town Hall, King Street, Dukinfield, Tameside SK16 4LA.
The Subscribing Authority	Means Food Standards Agency whose principal office is at Clive House, 70 Petty France, London, SW1 9EX.

Authorisation	Means authorisation given by an authorising individual under section 60A of the Act for the relevant statutory purpose only.
Relevant statutory purpose	Means the purpose for which the information is required as set out in section 60A(7).
Standard business hours	Means the following time periods (excluding public holidays): <ul style="list-style-type: none"> • Monday - Wednesday 08:30 - 17:00 • Thursday 08:30 - .16:30 • Friday 08:30- 16:00 Annual service disruption will occur during a pre-notified period surrounding Christmas due to office closure.

Parties to the Agreement

4. The relevant public authorities party to this agreement are:
 - i. Tameside Metropolitan Borough Council (the Supplying Authority), through the National Anti Fraud Network (NAFN); and
 - ii. Food Standards Agency (the Subscribing Authority).
5. All subscribing members of NAFN must be party to the NAFN Membership Agreement. This Collaboration Agreement is incorporated into that Membership Agreement which has been amended and updated accordingly.

Service to be provided

6. The officers of the Supplying Authority will act as Single Points of Contact for officers of the Subscribing Authority. Section 76(4) of the Act confirms a person to be acting as a Single Point of Contact if that person is an officer of a relevant public authority and is responsible for advising relevant officers about applying for authorisations and relevant designated senior officers about granting authorisations.
7. A person acting as a Single Point of Contact may advise an officer of a Subscribing Authority, the Independent Authorising Body or any other relevant organisation about:
 - i. the most appropriate and/or practical methods for obtaining communications data
 - ii. the cost, and resource implications, for:
 - the Subscribing Authority seeking to obtain the data, and
 - the tele communications operator disclosing the data

- iii. any unintended consequences-of the proposed authorisation
- iv. any issues as to the lawfulness of the proposed authorisation
- v. compliance with the relevant statutory purpose.
- vi. whether requirements imposed by virtue of an authorisation have been met
- vii. the use in support of operations or investigations of communications data obtained in pursuance of an authorisation, and
- viii. any other effects of an authorisation.

The Supplying Authority is not responsible for the actions of such officers of the Subscribing Authority, Independent Authorising Body or any other relevant organisation for the course of action chosen.

- 8. The Supplying Authority will provide services during standard business hours. No emergency service will be facilitated outside of these hours.

Records to be kept by a relevant public authority

- 9. The Supplying Authority will retain applications, decisions, authorisations, copies of notices, and records of the withdrawal of authorisations and the cancellation of notices in written or electronic form, and physically attached or cross-referenced where they are associated with each other. The Supplying Authority will also keep a record of the date and when appropriate to do so, the time when each notice or authorisation is given or granted, renewed or cancelled. Records kept by the Supplying Authority will be held in accordance with arrangements previously agreed with the Investigatory Powers Commissioner (IPC). These records will be available for inspection by the IPC.

Period of Agreement

- 10 This Collaboration Agreement is valid for the duration of the NAFN membership agreement.

Costs

- 11. Under Section 79 of the Act, any charges or costs for obtaining communications data and in supplying the service under the Membership Agreement, which includes this Collaboration Agreement, will be recovered from the Subscribing Authority.

Statutory Purpose for Authorisation of Acquisition of Communications Data

- 12. Under this Collaboration Agreement the Supplying Authority provides to a Subscribing Authority the service detailed in the aforesaid causes for the statutory purposes authorised under law for the Subscribing Authority.
- 13. Under this Collaboration Agreement, it is emphasised that obtaining communications data

can only be granted if an authorising individual considers that it is necessary and proportionate to obtain communications data for that purpose. It is the responsibility of the Subscribing Authority to formally notify the Supplying Authority should any authorised request become unnecessary.

Signed 

Dated 2 March 2019

Wendy Poole, Head of Risk Management and Audit Service , Tameside MBC
and Chair of the National Anti Fraud Network Executive Board

Signed 

Dated 28th February 2019

Darren Davies, Head of Food Crime, National Food Crime Unit, Food Standards Agency.

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