

Police Interagency Agreements Policy

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Policy statement and principles

See '[Policy statement and principles](#)' section in the 'Police Instructions Policy' chapter.

Overview

Purpose

This chapter:

- applies to Police employees involved in developing and maintaining national, district and international:
 - Memoranda of Understanding
 - Memoranda of Arrangement
 - Letters of Agreement
 - Partnership Agreements
 - Approved Information Sharing Agreements
 - Service Level Agreements
 - Protocols and other such type of documents
- details the Commissioner's requirements regarding these documents
- confirms Police's commitment to partnership between the parties and strengthening of the working relationship while promoting greater collaboration.

The chapter does not apply to financial contracts/agreements.

Definitions / Descriptions

Memoranda of Understanding (MOU) and Memoranda of Arrangement (MOA)

MOU and MOA:

- reflect the partnership between two or more parties - MOA are usually between Government and international agencies
- clarify points where there is potential for disagreement
- provide mechanisms for managing any such disagreement
- are high level strategic documents
- contain schedules on specific operational agreements/processes (in rare situations there may be operational aspects in the MOU/MOA itself).

Letter of Agreement (LOA)

A LOA is used for agreements that require much less detail than an MOU and mostly focus on one or two specific issues.

Otherwise, there is no substantial difference between MOU/MOA and LOA. LOA may sometimes be supported by operational schedules.

Operational Schedules

MOU/MOA and LOA may be supported by operational schedules on specific issues or operational matters that require more detail or a technical description. They are usually attached to MOU/ MOA or LOA and can be referred to as schedules, annexes/appendices, or protocols. While there will be a single business owner of the overarching agreement, individual schedules may be ‘owned’ and managed by different business groups who retain responsibility for their integrity and currency. Review dates usually align with the MOU/MOA/LOA reviews.

Approved Information Sharing Agreements (AISA)

AISA are made under [Part 7 Subpart 1](#) of the Privacy Act 2020. They contain significantly more detailed information than MOU/MOA and are very procedure based, allowing the exchange of information between the parties that would not normally be permitted under the Privacy Act 2020. **AISA must be approved by the Privacy Commissioner and be issued by Order in Council.** AISAs have the status of Regulations.

Note: The majority of information sharing agreements between Police and other agencies are made by means of a MOU or schedule to a MOU, because the legal basis that allows for sharing already exists in the Privacy Act 2020.

Service Level Agreements

Service Level Agreements are mostly internal Police documents used by Police groups, units or districts to detail how specified services are delivered between them. They may also be used to document a group’s or district’s services with other local agencies.

Definitions relating to international agreements that share information

These definitions apply only in relation to international agreements that share personal information ([s95D](#) Policing Act 2008).

Agency-to-agency agreement

An international disclosure instrument (such as an MOU or MOA) that is an agreement between New Zealand Police and one or more corresponding overseas agencies.

Corresponding overseas agency

This is:

- a. an overseas person, body or agency that is empowered to perform functions that correspond, wholly or partly, to any of the functions set out in section 9 of the Policing Act 2008; and
- b. agencies including Interpol and every overseas person, body or agency appointed under article 32 of the constitution of Interpol to co-operate with Interpol.

International disclosure instrument

An instrument that provides for the disclosure of personal information to a corresponding overseas agency. Instruments include:

- a. an international arrangement or agreement to which the Government of New Zealand is party; or
- b. an agency-to-agency agreement; or
- c. the constitution of Interpol and any instrument adopted under article 44 of that constitution.

Naming conventions for agreements

MOU and LOA are also sometimes referred to as 'Protocols' or 'Charters' where external agencies are the lead agency and prefer this terminology.

Not legally binding

Agreements are not contracts nor are they legally binding. However, failure to comply with any of them could be used in court proceedings involving Police.

Government priorities and Police Executive oversight

Prior approval by Executive Member for development of new national or international agreements

Prior approval must be obtained from a relevant Police Executive Member (sponsor) before any development work on a proposed new national / international agreement is commenced or any commitment given to the other party.

If an AISA is proposed, consult first with Legal Services or the Assurance Group's Chief Privacy Officer to ensure the use of an AISA rather than an MOU or other agreement type is appropriate before submitting to the sponsor.

Ensure your proposal identifies how the agreement would align with Our Values, the Government's priorities set out in the Speech from the Throne, the Budget Policy Statement, and the Police Statement of Intent, specifically Our Priorities of:

- safe homes, by aiming to have fewer New Zealanders affected by burglary and theft
- continuing to work with other agencies to reduce the incidence of family harm
- safe roads, given the significant number of people who are killed on New Zealand's roads every year
- safe communities, with a focus on building resilience to organised crime, honing counter-terrorism capabilities, and continuing the commitment to Prevention First policing.

Sponsor role

The sponsor:

- ensures the proposed agreement is of value to Police and enhances the partnership to achieve common goals
- is responsible for determining the signing level for the Agreement, i.e. does the Commissioner need to sign the Agreement or could the sponsor sign the Agreement on his/her behalf
- provides Executive oversight and guidance for the Agreement's development and determines when it is ready for signing (See 'Who can sign agreements' below),
- considers whether it should be referred to the Organisational Capability Governance Group for final approval before signing. If so, a paper (access the template here) must accompany the proposed agreement along with an Impact Assessment form (in PoliceForms> Police Instructions). For more information see 'Submitting a paper to governance groups' in the '[Police governance and leadership](#)' chapter.

Who can sign agreements

Government agency-to-agency MOUs and MOAs should be signed by the Commissioner of Police to demonstrate Police's commitment to the partnership and the significance placed on it by Police.

The Executive sponsor will decide who will sign the agreement for Police. Deputy Commissioners, Deputy Chief Executives, Assistant Commissioners, Executive Directors, Directors and District Commanders (or their delegates) may sign schedules attached to agreements, LOAs and SLAs.

Schedules should generally be signed by persons at an equivalent level in each agency.

Relationship meetings

The Business Owner of a signed agreement is responsible for ensuring that there are regular relationship meetings held with the partner agency (or agencies) as outlined in the agreement. These meetings should include active discussion and test if the agreement is still required, fit for purpose and/or amended as required. The sponsor should be advised of any significant amendments.

Getting started

Deciding what sort of agreement to develop

Consider these points:

If the proposed agreement...	then you should use...
<ul style="list-style-type: none"> - is of national interest; or - is in the interest of national security; or - is of high value to New Zealand (or to a specific District); or - addresses strategic goals (i.e. assists in addressing the Government's priorities, Our Priorities as outlined in Our Business and the Statement of Intent); or - addresses a high risk community issue; or - has high returns for Police; or - is sectoral (i.e. involves an agency that represents a sector, rather than an individual agency); or - addresses multiple relationship issues with one or more government agencies. <p>Note: These factors may also exist to a lesser extent in Districts.</p>	<p>MOU / MOA</p> <p>(Obtain an Executive sponsor's approval first, or a District Commander's for district agreements)</p>
<ul style="list-style-type: none"> - addresses only one or two minor issues with a single agency - is with a small and/or single focused agency / non-government organisation (NGO) / business 	<p>LOA or a Schedule to an existing MOU/MOA</p>
<ul style="list-style-type: none"> - is new but of an operational or technical nature and a MOU/MOA or LOA already exists 	<p>Schedule and attach it to a MOU/MOA or LOA</p>
<ul style="list-style-type: none"> - is internal between Police groups or between Districts and local service providers about the provision of a particular service 	<p>Service Level Agreements</p>
<ul style="list-style-type: none"> - is about paying for services or products 	<p>Contract (refer to the Procurement section in the Police Manual) or Partnership agreement</p>
<p>Note: Talk to the Police Instructions team if you are not sure what type of agreement to use.</p>	

Single agreement with each agency

Where possible and the partner agency agrees, Police should only have a single agreement with each agency with the agreement remaining high level, and any operational aspects agreed attached as schedules. It is accepted that in some special cases this will not be practicable, e.g. where more than two agencies are involved or when agencies have several different large operational departments with which Police work. Separate agreements may be required in those cases.

Two original copies should be signed, one for each agency to retain.

Authority to enter into District agreements

District MOU or LOA development must be approved by the District Commander before development commences. The District Commander:

- ensures the agreement is aligned with the Government's priorities, Our Business and meets Our Values
- determines who will sign it; and
- keeps the Assistant Commissioner: Districts informed.

Where a district is approached by another agency to become involved in developing an externally led district MOU or LOA, the District Commander should be advised and guidance obtained along with authority to proceed.

Ownership of MOUs and schedules

The operational schedules attached to an MOU may have different business owners who retain responsibility for their currency and integrity. The business owner of the MOU is generally responsible for facilitating the schedule updates. Assurance Group's Police Instructions Team will advise both the MOU and Schedule owner of any impending review requirements. Where possible, schedule review dates should align with the MOU reviews.

Agreement and schedule review cycles

All new agreements should have a 5-yearly expiry date with the expectation that they will be reviewed and renewed within that time. However, there may be sound business reasons for a shorter period.

If needed please consult the Assurance Group's [Police Instructions Team](#), which has a Prioritisation Tool that can be used as a guide to set review cycles following the first review of any agreement.

Developing a national/international agreement

Follow these steps to develop a national/international agreement. (See also '[Developing an Approved Information Sharing Agreement \(AISA\)](#)' if applicable).

Step	Business unit action
1	Obtain an executive sponsor's approval. (See ' Prior approval by Executive Member for development of new national or international agreements ')
2	Develop/draft the agreement and consult on the content internally and externally as required.
3	<p>Using the Police MOU, MOA or LOA templates (located in MS Word >PoliceForms>Police Instructions), start drafting your agreement.</p> <p>Notes:</p> <ul style="list-style-type: none">- Operational aspects must always be developed as schedules.- There should only be one agreement with each agency unless three or more agencies are signatories to the same agreement or exceptional reasons exist for more than one agreement.- There may be justifiable reasons why a different format is used, e.g. the ACC Partnership Agreement. In these cases, consult with the Assurance Group's Police Instructions Team when drafting.
4	<p>Police may be asked to be a party to an agreement developed by another agency in a different format. There is no opposition to that so long as key clauses detailed in the Police template are also included. For example, always include a review or expiry date to ensure the agreement remains current. While there is flexibility, a 3 - 5 yearly expiry date review cycle is the norm with the expectation that it will be reviewed and renewed within that time). Assurance Group's Police Instructions Team has a Prioritisation Tool which may assist in deciding an appropriate review cycle, but note that for any new agreement, a 5-yearly cycle is mandatory unless there are sound business reasons that a shorter period is required.</p> <p>Some sections in the template(s) may not be applicable and can be removed. Seek advice from the Assurance Group's Police Instructions Team.</p>
5	Prior to the first consultation round, refer the draft to the Police Instructions Team for initial check and feedback. This is a mandatory step.
6	<p>Circulate the draft agreement internally and externally as required, and redraft based on the feedback received. Discuss and consult as required including the Police Instructions Team and Legal Services (mandatory for both).</p> <p>Note: Business Units affected by a proposed Agreement must be consulted during consultation, and again before signing.</p>

7	<p>If it is an international agency to agency agreement, and shares personal information you must:</p> <ul style="list-style-type: none">- Consult the Privacy Commissioner.- Advise the other agency that New Zealand law requires public access to the agreement through the internet and a hardcopy that can be accessed through the PNHQ concierge (some exemptions may apply).- Establish whether any grounds exist that would necessitate the withholding of the agreement or parts thereof. <p>For more information on these see 'Agreements between NZP and overseas agencies sharing personal information'.</p>
8	<p>Sponsor determines who should sign the agreement. See Who can sign national / international agreements?</p>
9	<p>Agreement signed by the parties.</p> <p>Note: Two original copies should be signed, one for each agency to retain. (For more information, see Getting a national/international agreement signed below).</p>
10	<p>For an international agency to agency agreement:</p> <ul style="list-style-type: none">- publish a copy on the internet (unless it can be withheld - see the Policing Act 2008 for withholding reasons)- provide access through the PNHQ concierge (unless it can be withheld). <p>International agency to agency agreements sharing personal information must be reviewed at least every five years.</p>

Getting a national/international agreement signed

Use this table as a guide to arrange signing.

	Step Business unit action
1	If there is to be a formal signing, discuss and co-ordinate between the Commissioner/ other signatory and other party a suitable date, time, venue and guests for the signing.
	Note: Agreements are usually signed by the respective signatories without a formal occasion and take effect on the date the last agency signs.
2	Prepare an internal memorandum to the Commissioner or delegate who will sign the document, which details the signing information.
3	Ensure two copies of the agreement are attached for signing (one copy for each agency).
4	Tag the documents where the Commissioner/ delegate and other party are required to sign.
5	Contact the Public Affairs group to provide media coverage if desirable (Internal or External as required).

Agreements between NZP and overseas agencies sharing personal information

Step	Action
1	<p>Where any new or varied agreement is with an overseas agency and involves the sharing of personal information about an identifiable individual and includes consult the Privacy Commissioner before the agreement is entered into or an existing one varied.</p> <p>(s95D Policing Act 2008)</p>
2	<p>Ensure the other agency is aware that under NZ legislation the agreement must be published on the internet unless withholding can be justified.</p> <p>Under section 95E(4) of the Policing Act 2008 the requirement to publish does not apply to:</p> <ol style="list-style-type: none">1. an agency-to-agency agreement, or to any directions, that may be withheld under the Official Information Act 1982 or whose existence need not be confirmed or denied under the Act; and2. any provision of an agency-to-agency agreement, or any of the directions, that may be withheld under the Official Information Act 1982. <p>Establish whether there are any grounds to withhold publication.</p>
3	<p>Publish the agreement free of charge on an internet site maintained by or on behalf of the Commissioner (MFAT will publish these on its website).</p> <p>Contact the Assurance Manager: Police Instructions and Forms who will arrange MFAT publication.</p> <p>Police is also required to make a copy of it available for inspection free of charge on any working day, which is achieved through the Concierge's Desk at PNHQ. Copies will not be physically held at the desk but will be provided on request by the relevant business owner.</p>
4	<p>Review the agreement at least once every five years in consultation with the Privacy Commissioner.</p>

Developing an Approved Information Sharing Agreement (AISA)

Note: AISAs, made under [Part 7 Subpart 1](#) of the Privacy Act 2020, will be required rarely. The majority of information sharing agreements between Police and other agencies are made by means of a MOU or schedule to a MOU, because the legal basis for sharing already exists in the Privacy Act 2020.

AISAs must be approved by the Privacy Commissioner and, as they have the status of Regulations, issued by way of an Order in Council.

Follow the steps in this table to develop an AISA.

Step	Business unit action
1	Consult with Legal Services and the Assurance Group's Chief Privacy Officer on the appropriateness of developing an AISA rather than an MOU or other type of information sharing agreement and the process to be followed.
2	Seek approval from an Executive Member 'sponsor' before commencing development of an AISA or engaging with another agency taking the lead on development.
3	Consult on the agreement content requirements internally and externally as required and develop a draft agreement using the existing IRD AISA and the Improving public services for vulnerable children - Information sharing agreement as guides.
4	Circulate and consult draft agreement internally and externally as required, and redraft based on the feedback received. Discuss and consult as required including Assurance Group's Police Instructions Team and Legal Services (mandatory for both). The Office of the Privacy Commissioner must also be consulted on the content as release of the final Agreement requires the Privacy Commissioner's approval.
5	Discuss with the Director: Policy and Partnerships regarding the process to obtain the Privacy Commissioner's approval and then for the AISA to be issued by Order in Council.
6	AISAs should be signed by the Commissioner.

Managing and publishing a national/international agreement after signing

Once the agreement has been signed, follow the steps in this table.

Step	Business unit action
1	Ensure that each party receives an original, signed copy of the agreement for their records. Forward the Police copy (original & signed) and your file (if any) to Assurance Group's Police Instructions Team which maintains a master record storage of all these agreements (except those as per note in step 2 below).
2	Send an electronic copy (MS Word) of the agreement to Assurance Group's Police Instructions Team for publishing in Police Instructions. Note: Advise Police Instructions Team if there are special publication requirements. If the document has a security classification that prohibits publishing, the business owner retains the document securely.
3	If it is an international agency agreement that shares personal information, a copy must be published on the Police website (and it will also be published on the MFAT website) and a copy made available for inspection from the PNHQ concierge unless grounds exist under the Policing Act 2008 to withhold the information (see Agreements between NZP and overseas agencies sharing personal information). The business owner responsible for arranging publication on the MFAT site through the Assurance Manager: Police Instructions.
4	Advise districts/ service centres about the new or amended agreement, and ensure they action any arising issues. Note: Districts/ Service centres may need to develop a supporting district agreement.
5	Deal with arising internal and external meetings or issues in respect of the agreement.
6	Assurance Group's Police Instructions Team will remind you to review the agreement.

Management of District agreements

Districts develop, maintain, and terminate all district agreements when necessary or when assigned to do so.

Districts are encouraged to provide Assurance Group's [Police Instructions Team](#) with electronic copies of district agreements for publishing in the Police Instructions section of TenOne. This will bring them into a cyclical review process to ensure they maintain their currency and integrity and allow the Assurance Group's Police Instructions Team to maintain a lifecycle history of the agreements. Alternatively, districts may publish them on their intranet sites.

Note: The names of the signatories and signing dates must be typed into each document and the e-copy sent to Assurance Group's Police Instructions Team if it is to be published on the Police Instructions site. Original hardcopies must be retained by the districts.

Service Level Agreements (SLA)

What are Service Level Agreements?

Service Level Agreements are mostly internal Police documents used by Police groups, units or districts to detail how specified services are provided between them. They may also be used to document a group's or district's services with other local agencies, e.g. many districts have service level agreements with their local District Health Board.

The purpose of the Service Level Agreements is to formally define a level of service. Characteristics can include:

- recording a common understanding about services
- detailing parameters of the agreed service
- defining priorities
- defining responsibilities
- performance measurement -allows comparison of services delivered with service promised
- defining agreed services.

When used effectively, a SLA should:

- identify and define the customer's needs
- provide a framework for understanding
- simplify complex issues
- reduce areas of actual and potential conflict
- encourage dialogue in the event of disputes
- eliminate unrealistic expectations.

Who authorises Service Level Agreements?

Specific business groups and districts within Police develop, agree on and own the content of Service Level Agreements. The groups' Directors and District Commanders determine, agree on and approve new, amendments to existing, or cancellation of Service Level Agreements under these conditions:

- an impact assessment should be carried out to identify other affected documents (e.g. Local Orders, local policies, and instructions etc.)
- other affected groups, if any, must be consulted and their views considered and addressed

SLAs must align with national policy and guidelines.

How long do service level agreements remain in force?

Service Level Agreements remain in force until renewed, amended or cancelled by the content owners. They must be reviewed by the content owners at least every three to five years or such lesser period as may be decided between the signatories. If lodged with Assurance Group's Police Instructions Team an alert will be sent out to business owners at least 3 months prior to a Service Level Agreement's review date.

Developing a Service Level Agreement

Follow these steps to develop a Service Level Agreement.

Step	Action
1	Content owners nominate staff who will lead the development work.
2	Conduct an impact assessment and confirm who needs to be consulted.
3	Collate any existing and related agreements, policy and procedures, and any other relevant documents, and review their content.
4	Draft the Service Level Agreement using any of the agreements template or the SLA template as a guide. Note: Seek advice from the Police Instructions Team if required.
5	Consult relevant groups and seek feedback - then redraft as necessary.
6	Complete a final draft. Check with the Police Instructions Team as required.
7	Refer Service Level Agreement to the relevant Directors/District Commanders for signing between the parties.
8	Send the signed and dated original, and an electronic copy of the SLA to Police Instructions for publication.

Amending and reviewing a Service Level Agreement

Follow these steps to amend a Service Level Agreement.

Step	Action
1	Content owners nominate staff who will lead the amendment work.
2	Conduct an impact assessment if required (in Police Forms>Police Instructions) and confirm who needs to be consulted.
3	Collate any existing and related agreements, policy and procedures, and any other relevant documents, and review their contents.
4	Draft the amended service level agreement using the Police Instructions Team's writing toolkit as appropriate. Note: Seek advice from the Police Instructions Team .
5	Consult relevant groups and seek feedback - then redraft as necessary.
6	Complete final draft.
7	Refer amended Service Level Agreement to the relevant Directors/District Commanders for signing between the parties.
8	Send the signed and dated original, and an electronic copy of the amended/reviewed SLA to Police Instructions for re-publication. Note: If an SLA has been reviewed and the parties agree no change is required and that the SLA can be extended, send Police Instructions Team a copy of the emails or correspondence confirming this.

Cancelling a Service Level Agreement

Follow these steps to cancel a Service Level Agreement.

Who	Action
Police Groups or District staff (content owners)	<ol style="list-style-type: none"> 1. Assess relevance and necessity of the service level agreement. 2. Consult other groups as required. 3. Obtain approval for cancellation from Director / District Commander (email advice is sufficient to Police Instructions) 4. Notify cancellation in Ten-One as required.
Police Instructions team	<ol style="list-style-type: none"> 5. Update the Police Instructions section of TenOne and record changes in Register. 6. Archive any electronic copies.

Quarterly reporting and escalation process

Quarterly reporting

Every quarter Assurance Group's Police Instructions Team collates a report listing the status of each group's agreements, highlighting those overdue for review, items coming due for review within 6 months, current agreements and potential agreements under development (marked 'new').

The Assurance Manager: Police Instructions promulgates this report to all business owners and the Executive as required. Business owners should then report progress back to the Assurance Manager: Police Instructions.

Escalation process

Where District Commanders or Directors have been notified by Assurance Group's Police Instructions team of the requirement to review a particular agreement, and:

- have failed to respond to the request within a reasonable time, or
- the review has stalled for what appears to be other than justifiable reasons, or not been carried out at all,

The Assurance Manager: Police Instructions may forward a report via the Director: Assurance to the Deputy Commissioner: Strategy and Service for discussion and resolution with the relevant Deputy Commissioner / Deputy Chief Executive.

Status reports are also provided to the Executive every 6 months, detailing overall results and identifying key agreements overdue for review.

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