

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Formal arrangements with external organisations and foreign entities

Context

Victoria Police can enter into formal arrangements with external organisations and foreign entities to clarify and document responsibilities, expectations, information sharing arrangements or the provision of goods and/or services.

Formal arrangements can be either legally binding or non-binding, depending upon the status of the external organisation and the nature of the relationship or arrangement. Formal arrangements include, but are not limited to, contracts, memoranda of understanding (MOU), protocols or inter-agency agreements.

Victoria Police has a legislative obligation to comply with both:

- Protective Data Security Standards issued under the *Privacy and Data Protection Act 2014*, which set out the criteria for the consistent application of risk-managed security practices concerning Victorian Government information, and
- *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*, which outlines certain approval and reporting requirements when the Victorian Government seeks to enter into foreign arrangements.

This policy also supports Victoria Police's obligation to comply with the Australian Government Protective Security Policy Framework and the National Security Information Handling Guide, which prescribe the minimum standards for physical and information security for all federal and state government agencies.

Policy at a glance

This policy includes:

- the process to initiate a proposal to enter into formal arrangements for assessment
- assessment criteria and considerations
- the development process including preparation, consultation and approval
- recording formal arrangements on the Corporate Formal Arrangements Register
- the requirement for formal arrangements to have a built-in review and/or termination date and responsibilities of the Policy Owner or Accountable Officer to action accordingly
- instructions following requests for copies of formal arrangements from employees and external organisations

Contents

Context	1
Policy at a glance.....	1
Contents	1
Definitions.....	2
Scope and application.....	2
Responsibilities and procedures	3
1. Initiating a formal arrangement.....	3

2.	Assessment of the need for a formal arrangement.....	3
3.	Development.....	5
4.	Review and termination	5
5.	Recording	6
6.	Requests for copies of formal arrangements	6
	Related documents.....	6
	Further advice and information.....	7
	Update history.....	7

Definitions

Accountable Officer - a member of Executive Command (ExComm) who has governance accountability for a subject area.

Foreign arrangement - an arrangement between a state/territory entity and a foreign entity, whether or not other entities are also a party to the arrangement. It includes arrangements, agreements, contracts, MOUs and undertakings, whether or not legally binding.

Core foreign arrangement - an arrangement with a foreign country and foreign national governments, departments and agencies.

Non-core foreign arrangement - an arrangement with a foreign subnational jurisdiction/government/department/agency, foreign authorities established for a public purpose, and foreign universities without institutional autonomy.

Foreign entity - includes a foreign country and any entity external to Australia. Note: does not include a corporation that operates on a commercial basis. Refer to s.8 (1), *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* for the full definition.

Memorandum of Understanding (MOU) - is commonly used when entering into formal arrangements with government or statutory organisations. It is generally made in good faith and is not intended to be legally binding. Such arrangements may also be known as an interagency agreement, protocol etc.

Policy Owner - Assistant Commissioner, Executive Director, Commander or Director responsible for undertaking or coordinating the day-to-day business relating to a policy subject area, including ensuring the provision of policy advice, and reviewing, implementing and monitoring policy. Refer to **VPM Policy development and advice** for additional guidance.

Scope and application

This policy applies to all employees involved in the development and review of formal arrangements between Victoria Police and an external organisation/foreign entity that requires documentation of any of the following:

- information sharing arrangements
- operational and administrative relationships, including clarification over jurisdictions, roles and responsibilities, or
- resource, financial and legal arrangements.

Note: this policy does not alter any procurement arrangements or other arrangements in which legally binding agreements are required to formalise the supply of goods and/or services to Victoria Police.

Responsibilities and procedures

1. Initiating a formal arrangement

- If considering entering into a formal arrangement with an external organisation/foreign entity, a report (ExComm Approval Brief, Issue Cover Sheet [Form 1028] etc) outlining the proposal must be submitted via a Force File for approval by the Policy Owner or Accountable Officer and forwarded to the Principal Legal Advisor, Commercial Law Unit, Legal Services Department (LSD), for assessment and advice. Refer to the **Protective Security Checklist – 150 Formal Arrangements with External Organisations Development** for further guidance.
- The **Protective Security Checklist - 150 Formal Arrangements with External Organisations Development** should be completed and attached to the Force File.

Note: at this stage, the preparation of a draft arrangement is not required.

2. Assessment of the need for a formal arrangement

2.1 Overview

There are circumstances when a formal arrangement might not be necessary or appropriate, including:

- to document one off or infrequent arrangements that are not legally binding
- where the responsibilities are reflected in existing legislation
- where the objective(s) is/are addressed in Victoria Police policy, procedures etc.

2.2 Initial assessment

- The Principal Legal Advisor, Commercial Law Unit, is responsible for assessing all proposals and determining whether a formal arrangement is appropriate, in consultation with either of the following (where required):
 - the relevant Policy Owner(s) or subject matter experts regarding the general content of the proposed arrangement
 - Digital Services and Security Department (DSSD), regarding information sharing arrangements.
- DSSD is responsible for assessing the risk to Victoria Police based on whether the external organisation/foreign entity can meet the relevant security standards for a formal Information Sharing Risk Assessment, which consists of:
 - a Proportionality test
 - a Privacy Impact Assessment
 - a Human Rights Impact Assessment.
- A formal Information Sharing Risk Assessment is necessary for any:
 - major Victorian project development
 - major Victorian events
 - arrangement which shares, releases and discloses law enforcement data to an external organisation/foreign entity
 - other arrangement that constitutes a significant risk to Victoria Police.

2.3 Assessment criteria for formal arrangements

<i>Situation</i>	<i>Criteria for when a formal arrangement is required</i>
Information sharing arrangements	- when external organisations/foreign entities request: - direct access to Victoria Police information e.g., LEAP through their IT system - to change or amend their existing access - when there is: - a frequent and continuing need for Victoria Police to share, release and disclose information to an external organisation/foreign entity - a need to clarify or control the scope of the information being released and the scope of any further release by the external organisation - a need to stipulate secure information handling protocols because: - the information is sensitive or personal - the requesting organisation does not have a clearly defined statutory responsibility to have the information; and/or - the information release is not authorised in VPMP Information sharing - when Victoria Police seeks access to information held by an external organisation/foreign entity and the external organisation/foreign entity wishes to control the scope of the information release through a formal document - where research approved in accordance with VPMG Research involves access to Victoria Police information
Relationship/ jurisdictional arrangements	- when there is a specific need to define or clarify the jurisdiction, roles or responsibilities of organisations/foreign entities where they overlap or intersect, e.g., to solve operational problems, for complex interagency relationships and includes joint operations or investigations authorised in accordance with VPM Crime attendance and investigation - when there is a need to establish general relationship principles and strategic intentions between organisations/foreign entities, and to facilitate subordinate agreements, protocols or procedures
Resource or cost arrangements	- when there is a frequent and continuing need for Victoria Police to use the expertise, resources or facilities of a government organisation or statutory authority - when there is a frequent and continuing need for a government organisation or statutory authority to use the expertise, resources or facilities of Victoria Police - where there is a need to specify responsibility or liability for financial or legal matters - where a donation or sponsorship (approved in accordance with VPM Donations and sponsorships) has a value of \$10,000 or greater or when the Media, Communications and Engagement Department advises it is necessary

2.4 Other considerations

Whether a formal arrangement is required will also be informed by whether it:

- is consistent with Victoria Police's role, responsibilities, policies and standards
- offers any benefit to Victoria Police
- infringes, limits or conflicts with statutory powers
- is in the public interest and
- considers Indigenous data sovereignty and cultural rights, including Aboriginal and/or Torres Strait Islander cultural rights, as relevant (refer to s. 19 of the *Charter of Human Rights and Responsibilities Act 2006*).

2.5 Recommendation

If the Principal Legal Advisor, Commercial Law Unit:

- approves a proposal – see section 3 of this policy
- does not approve a proposal - the Force File will be returned to the employee who initiated the proposal to consider alternative arrangements in consultation with the Principal Legal Advisor.

3. Development

- The Principal Legal Advisor, Commercial Law Unit is responsible for coordinating development of a formal arrangement. This includes, but is not limited to:
 - providing guidance for and/or preparing the most suitable document to accommodate the arrangement
 - consulting with stakeholders and subject matter experts, as required
 - consulting with the Victorian Government Solicitor's Office, as required
 - arranging approval and signing from the relevant Accountable Officer or Policy Owner (where appropriate)
 - arranging approval and signing with the party/ies to the arrangement.
- The Commercial Law Unit must notify the Investment, Governance and Assurance Department (IGAD) of any prospective arrangement with a foreign entity that may form a core or non-core foreign arrangement via IPAR-MGR@police.vic.gov.au.
- IGAD must then notify the Department of Premier and Cabinet (DPC) of a foreign arrangement to enable DPC to report and secure relevant approvals from the Commonwealth under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*.
- IGAD must notify the Commercial Law Unit of the outcome of their notification to DPC, and DPC's engagement with the Commonwealth.
- The employee initiating the request for agreement must not enter into any formal arrangement with a foreign entity without approval by the Commercial Law Unit, and consistent with any required processes or approvals set by the Commonwealth and communicated to IGAD by DPC.

4. Review and termination

- All formal arrangements should include a date of review and/or termination. The Policy Owner or Accountable Officer must ensure that the arrangement is actioned by the date stipulated.
- If the arrangement is to be terminated, the Policy Owner or Accountable Officer must formally terminate the arrangement in writing and in accordance with the termination clause/s in the arrangement. This must be documented on the Force File and Security Information and Privacy Division (SIPD) must be notified to update the Register.
- If the arrangement under review and/or termination is subject to *Australia's Foreign Relations (State and Territory Arrangements) Act*, the Commercial Law Unit must follow the notification process as outlined under section 3 of this policy. The Policy Owner or Accountable Officer must act in accordance with advice from the Commonwealth as communicated to Victoria Police through DPC.

Refer to the Formal Arrangements Maintenance Guide for more information.

5. Recording

- The Corporate Formal Arrangements Register (the Register) is Victoria Police's central repository for all non-legally binding formal arrangements, i.e., not contracts or purchasing arrangements.
- SIPD, DSSD is responsible for maintaining the Register. A scanned copy of the signed arrangement must be emailed to SIPD via pbea: PRIVACY-OIC for recording in the Register.
- The Policy Owner must ensure an original signed copy is provided to all parties to the arrangement.

6. Requests for copies of formal arrangements

Requests for copies of formal arrangements must be actioned as follows:

- copies may be accessed via the Register or provided to employees (depending on the security classification) for internal use only
- copies of formal arrangements marked with a security classification PROTECTED (or above) must be directed to the Policy Owner or Accountable Officer. The relevant Policy Owner or Accountable Officer must approve release in consultation with the Commercial Law Unit if required.
- copies may be provided to parties to formal arrangements
- requests from other government departments or agencies (including law enforcement) must be made in writing to Victoria Police. The relevant Accountable Officer or Policy Owner must approve release in consultation with the Commercial Law Unit if required.

All other requests must be referred to the Privacy Unit, DSSD.

Related documents

- Victoria Police - Organisational Policy Statement Information Management and Information Security
- VPMP Information Sharing
- VPMG Information Privacy
- Privacy Information Sharing Guide

- Formal Arrangements Maintenance Guide
- National Security Information Handling Guide, Protective Security Guide 235

Further advice and information

For further advice and assistance regarding this policy, contact the Principal Legal Advisor, Commercial Law Unit, Legal Services Department.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
21/08/2025	Converted into VPM format and updated to include formal arrangements with foreign entities.	FF-198319