

## ANNEX B – DATA SHARING

1. This is an interim arrangement between the Governments of the United Kingdom (“**UKG**”) and St Helena (“**SHG**”) (together, “**the Participants**”) to facilitate data-sharing along with the British Indian Ocean Territory Administration (“**BIOTA**”), to permit screening of migrants by SHG for criminal and/or terrorism links against UKG watchlists, and to prevent the transfer of migrants with complex medical needs which cannot be provided for by SHG. Upon signature of the cover letter by the Participants, this Annex forms an integral and inextricable part of the MoU between UKG and SHG of 15 October 2024<sup>1</sup> (the MoU), subject to the arrangements set out below.
2. This interim arrangement is solely between UKG and SHG. BIOTA is not a participant in this arrangement (Annex B), Annex A, nor any other part of the aforementioned MOU. No reference to BIOTA in this Annex is to be read as BIOTA being a participant to this arrangement or incurring any obligations or status as to data-sharing referred to herein. BIOTA’s data-sharing arrangements with UKG are beyond the scope of this Annex and are not in any way altered or affected by it.
3. This interim arrangement is not intended to be legally binding but rather sets out a framework that governs the sharing of personal data between the Participants. This interim arrangement is intended to operate on a temporary basis only, pending signature of a long-term Data Sharing Memorandum of Understanding, which the Participants intend to finalise as soon as possible. Unless extended, this interim arrangement will cease to have effect once that Memorandum of Understanding is concluded, this interim arrangement is otherwise superseded, or after 6 months from the date of signing (whichever is earliest). This interim arrangement may be extended for a period of 6 months at a time by joint decision of the participants.
4. BIOTA is the Data Controller of any personal migrant data it collects and shares. SHG will become an independent Data Controller of any personal migrant data it receives for screening purposes. UKG is a Data Processor, providing hardware and IT systems that will be used for data transfer and secure storage.
5. For the purposes of this arrangement, this Annex will form the framework for the sharing of personal data of any future migrant cohort to allow for necessary and expeditious migrant screening by SHG, including special category data. Processing will be conducted in accordance with the Data Processing Schedule, below, and any applicable law and/or policy.
6. The personal data, including special category data, shared with SHG will be used to ensure that any migrant considered for transfer to St Helena (whether an illegal/irregular migrant or an asylum seeker) can be screened for criminal and/or terrorism links against UKG watchlists

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<sup>1</sup> MoU for the provision of an arrangement to support the UKG’s interest in the welfare of persons who may arrive in future in the British Indian Ocean Territory (“BIOT”) who may claim to be unable to return to their country of nationality.

(pursuant to the February 2025 MoU between SHG and the UKG Home Office facilitating this two-way transfer for immigration procedures); and for preventing the transfer of migrants with complex medical needs that cannot be treated on St Helena.

7. The processing is necessary for the purposes of a recognised legitimate interest and, in respect of special category data, is necessary for reasons of substantial public interest in accordance with the requirements for processing special category data (see Data Processing Schedule below). The recognised legitimate interest and substantial public interest is SHG's interest in ensuring the health and safety of its population and assessing whether it can provide treatment for any medical conditions of inbound migrants.
8. Electronic data shared through this mechanism will remain on UKG encrypted devices and servers to ensure appropriate security and confidentiality of the data. SHG undertakes to keep any personal data shared pursuant to this arrangement, including special category data, confidential. Access will be restricted to persons required to have access to achieve the legitimate interests outlined. SHG will abide by the requirements of their Data Protection Policy 2024 in processing and handling personal data shared pursuant to this framework, and commits to following (*inter alia*) the below key principles:
  - **Lawfulness, fairness and transparency.** Processing of personal data should be lawful and fair. It should be transparent to individuals that personal data concerning them are collected, used and otherwise processed for the purpose outlined in this arrangement.
  - **Purpose Limitation.** Personal migrant data should only be collected and accessed for the explicit, specified and legitimate purpose of screening outlined in paragraphs 6 and 7 above. Personal data should only be accessed by, and accessible to, approved persons on a "need to know" basis. Personal data will not be processed in a manner incompatible with that purpose.
  - **Data Minimisation.** Processing of migrant data should be limited to what is necessary for screening, specifically biographic data for comparison against criminal and terrorism watchlists, and health data.
  - **Accuracy.** As the data controller, SHG are responsible for ensuring that they take every reasonable step to accurately record information they process and to ensure that personal data are kept up to date. UKG will, if necessary and practicable, take reasonable steps in conjunction with SHG and BIOTA to ensure the accuracy of any personal data shared between BIOTA and SHG in respect of the data subjects referred to in the data processing schedule below, while noting that UKG is not the data controller in respect of any such personal data. If a Participant becomes aware of any inaccuracy or other defect in the data that is or has been processed it will notify the other Participants.
  - **Storage Limitation.** Personal screening data should be kept in a form which permits identification of a data subject only for as long as necessary for the purposes of the screening outlined in paragraphs 6 and 7 above. The data will exclusively remain on secure FCDO encrypted system.
  - **Integrity and Confidentiality.** Personal data should be processed by SHG in a manner that ensures appropriate security and confidentiality of the data, including protection against unauthorised or unlawful access. The Participants acknowledge and accept that no personal data shared under this interim arrangement will be communicated, disclosed or transferred to any third party other than those approved for comparing this

data against UK terrorism and criminal watchlists. If any personal data is shared with a non-approved third party, if there is any breach of the confidentiality of personal data, or if there is any unauthorised access to the personal data held by any of the Participants under this interim arrangement, the relevant Participant will inform the other Participants as soon as possible. Each Participant will notify the others if it receives a Data Subject Request, complaints or queries relating to personal data shared under this mechanism. Any Data Subject Access Request will be addressed in line with the Data Processing Schedule, below.

- **Accountability.** SHG must be able to demonstrate compliance with the above key principles and with any future Data Protection Ordinance.

9. The Participants will lawfully process migrant personal data for screening purposes proportionately and to the extent necessary for a substantial public interest respecting the data subjects’ right to data protection and providing suitable safeguards.

**Data Processing Schedule:**

Description	Details
Processing Activity	The processing of Personal Data by and between UKG, BIOTA and St Helena in relation to potential and actual transfers of migrants from the British Indian Ocean Territory to St Helena.
Role of the Participants	For the purposes of this MoU, BIOTA and St Helena are Independent Controllers and UKG is a Processor. BIOTA will transfer any data subject to this MoU to UKG only and not directly to SHG.
Lawful Basis for Processing	<p>The following lawful bases apply to the processing:</p> <p>SHG and BIOTA process information required to fulfil their public functions as the Governments of British Overseas Territories.</p> <p>UKG supports BIOTA by providing the services BIOTA requires to fulfil its public functions.</p> <p>The provision of such support by UKG is in accordance with Article 6(1)(e) UK GDPR, the processing is necessary for the purposes of the performance by the UKG of its governmental functions.</p>

	The processing of criminal offence data for law enforcement purposes is strictly necessary for the administration of justice in accordance with Schedule 1 Part 2 of the DPA 2018.
Duration of the processing	The processing will run for no longer than is necessary in accordance with the explicit, specified and legitimate purposes of the processing.
Nature and purposes of the processing	<p>The nature of processing conducted under this MoU is: <i>collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means).</i></p> <p>The purpose is to support BIOTA in the running of its infrastructure and to enable implementation of migration solutions for the migrants.</p>
Type of Personal Data being Processed	<p>Personal data, including (but not limited to) names, dates of birth, sex, familial status and biometric data.</p> <p>Special category personal data, including health data and information relating to criminal convictions and offences.</p>
Categories of Data Subject	The Data Subjects will be those migrants being considered for transfer to St Helena in accordance with this MOU whose personal data is processed in order to screen for criminal/terrorism links and to assess relevant medical history for the purposes of assessing the adequacy of healthcare provision by SHG.
International transfers and legal gateway	The data-sharing envisaged by this framework arrangement does not include an applicable international transfer. In any event, any such transfers, if existing, are necessary for important reasons of public interest.
Transfer Mechanism	Data will be shared by encrypted email.

Data Access and Storage	<p>The Participants decide on the following:</p> <p>All personnel will process data securely. SHG will process data in accordance with the 2024 Data Protection Policy paper and consultation (<a href="https://www.sainthelena.gov.sh/documents/DataProtectionPolicyv3.2.0_CONSULTATION-DRAFT-AUG24.pdf">https://www.sainthelena.gov.sh/documents/DataProtectionPolicyv3.2.0_CONSULTATION-DRAFT-AUG24.pdf</a>). UKG will process data securely in line with the principles set out in HM Government Security Policy Framework.</p> <p>Only those with a genuine need, in line with the explicit, specified and legitimate purposes outlined above, will have access to the personal data.</p> <p>The Participants will be prepared for and respond to Security Incidents and to report any data losses, wrongful disclosures or breaches of security relating to the collected information.</p>
Plan for retention and destruction of the data once the processing is complete	<p>The retention and destruction of data will be kept under regular review. Personal data, including special category data, will only be retained insofar as it remains necessary.</p>
Transfers to third parties (including countries or international organisations)	<p>This interim data-sharing arrangement does not make provision for data sharing beyond the Participants.</p>
Subject Access Requests	<p>Each Participant will notify the others if it receives a Data Subject Access Request. The UKG will, if necessary and to the extent required under the data protection regime, assist in the response of either SHG and/or BIOTA, as controller, in responding to any relevant Data Subject Access Request.</p>
Other paragraphs	<p>None</p>