

## PIDC Secretariat summary of Memorandum of Arrangement for Information Sharing<sup>1</sup> Provisions

### **Purpose**

This summary has been developed to assist Members in their consideration of the Memorandum of Arrangement for Information Sharing.

### **Arrangement of Paragraphs**

This Arrangement contains thirty-five (35) paragraphs divided into sixteen (16) thematic areas. These areas are:



## Pacific Immigration Directors' Conference

1. Purpose and Content
2. General cooperation principles
3. National Contact Points and National Administrators
4. General rules for disclosing information (to a Participant or the Secretariat)
5. How information may be disclosed to a Participant or the Secretariat
6. How information may be used by Participants
7. Confidentiality and use of Information
8. How information may be used by the Secretariat
9. Further disclosure of information by Participants and Secretariat (outside the PIDC membership)
10. Storage, deletion, and audit of information
11. Audit
12. Disclosure in particular areas
13. Differences
14. Commencement, Duration and Termination
15. Amendment
16. Review
- 17.

Thematic Area	Paragraph
<b>Purpose and Content</b>	<p>(1) outlines the support for Participants to share information that comply with domestic and international legal obligations, align to national responsibilities, and combat regional risks and security issues.</p> <p>(2) identifies Participants' cooperation with domestic and international law enforcement and border agencies.</p> <p>(3) lists the treaty obligations that Participants will observe and ensure that its domestic law adhere to these obligations, as well as laws that relate to the protection of sensitive information.</p> <p>(4) states the reflection of this Arrangement on Participants' interest for cooperation, disclosures of information are legally consistent, and this Arrangement is not legally binding.</p> <p>(5) asserts that all entities that act on behalf of the Participant will comply with requirements established by this Arrangement.</p>
<b>General cooperation principles</b>	<p>(6) lists four (4) cooperation processes that Participants may engage in, subject to mutual agreement and respective domestic law and policies.</p>
<b>National Contact Points and National Administrators</b>	<p>(7) establishes the Participants' use of the National Contact Points and National Administrator as well as updating their contact details to the Secretariat.</p>
<b>General rules for disclosing information (to a Participant or the Secretariat)</b>	<p>(8) lists sixteen (16) types of information that Participants may disclose subject to domestic legislation.</p> <p>(9) sets out five (5) conditions that a Participant may disclose information.</p> <p>(10) enables the Participant to disclose information with or without a request and paragraph (10a) permits the disclosure of information from</p>

	<p>one Participant to each other, the Secretariat, or both.</p> <p>(11) outlines Participants' decision and provisions on restricted disclosure, use or further disclosure of information for domestic or international legal reasons.</p> <p>(12) outlines Participants' decision and provisions on restricted disclosure, use or further disclosure of information, based on reasons of national interest.</p>
<b>How information may be disclosed to a Participant or the Secretariat</b>	<p>(13) details three (3) means amongst other amenities of secure information disclosure. Paragraph (13a) establishes that disclosure in writing may be inappropriate for two (2) listed reasons.</p> <p>(14) presents three (3) alternative options for secure disclosure.</p> <p>(15) details the use of trusted agents or intermediaries for information disclosure.</p>
<b>How information may be used by Participants</b>	<p>(16) states how Participants may use disclosed information subject to paragraph (1) unless indicated otherwise in a caveat or annex.</p> <p>(17) states how Participants may use disclosed information with the consent of sending Participant and is consistent to domestic laws.</p>
<b>Confidentiality and use of Information</b>	<p>(17a) declares that Participants cannot use or further disclose information unless it is in accordance with this Arrangement or authorised by law.</p>
<b>How information may be used by the Secretariat</b>	<p>(17b) enables the Secretariat to use disclosed information to assist Participants unless indicated otherwise in a caveat or annex.</p> <p>(17c) enables the Secretariat to use disclosed information in accordance with this Arrangement and urgent matters set by the PIDC Board.</p>
<b>Further disclosure of information by Participants and Secretariat (outside the PIDC membership)</b>	<p>(18) unless paragraph (18a) applies, a Participant or the Secretariat may further disclose information to any entity for any purpose as provided in paragraph (1).</p> <p>(18a) sets out five (5) conditions that prevent a Participant or the Secretariat to further disclose information.</p> <p>(19) enables Participants and the Secretariat to further disclose information with the consent of the providing Participant or Secretariat, unless such disclosure for the Secretariat is inconsistent with concerns set by the PIDC Board.</p> <p>(19a) asserts that Participants and the Secretariat will ensure that any entity that information is further disclosed to applies the same level of information protection.</p>
<b>Storage, deletion, and audit of information</b>	<p>(20) details the three (3) means amongst other amenities of secure information storage.</p> <p>(21) states two (2) processes for the deletion of information when no longer useful.</p>
<b>Audit</b>	<p>(22) details four (4) features that Participants and the Secretariat must note to track and audit their disclosure. Paragraph (22a) lists two (2) request processes and the obligation of the requestor in the track and audit of</p>

	information disclosure.
<b>Disclosure in particular areas</b>	<p>(23) affirms that Participants may make annexes to govern use, disclosure or further disclosure.</p> <p>(24) lists five (5) additional details that may be included in annexes.</p> <p>(25) states that annexes may set certain conditions on certain disclosed information.</p> <p>(26) without limiting Paragraph (25), these conditions may include restrictions on further information disclosure and its extent with further provisions.</p> <p>(27) declares that annexes remain subject to this Arrangement and its provisions, and is consistent with Participants' domestic laws, international obligations, regulations and policies.</p>
<b>Differences</b>	(28) outlines the process for Participants to settle differences over this Arrangement.
<b>Commencement, Duration and Termination</b>	<p>(29) sets out the commencement date of this Arrangement.</p> <p>(30) details the duration period of this Arrangement, processes on the termination of this Arrangement, and withdrawal of Participants from this Arrangement.</p> <p>(31) declares the completion of ongoing transactions at the time of withdrawal or termination of this Arrangement.</p>
<b>Amendment</b>	<p>(32) details the process in which Participants may mutually amend or modify this Arrangement.</p> <p>(33) notes the commencement date for any amendment or modification.</p> <p>(34) declares the continuation of two (2) paragraphs and one (1) sub-paragraph on information received regardless of the termination of this Arrangement.</p>
<b>Review</b>	(35) outlines the annual review procedure of this Arrangement.