

Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability



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Title of Policy/ Proposal	Data Protection Policy
Completion Date	29/05/2018
Completed by	Zarya Rathe, Team Manager – Information Governance
Lead officer	Zarya Rathe, Team Manager – Information Governance

Type of Initiative:

- Policy/Strategy
 - Programme/Plan
 - Project
 - Service
 - Function
 - Other
- New or Proposed
 - Changing/Updated
 - Review or existing

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or reviewed (e.g. objectives, aims) including the context within which it will operate.

On Friday, 25 May 2018, the European General Data Protection Regulation ('GDPR') came into effect. Accordingly, East Lothian Council's Data Protection Policy has been revised and updated in line with this change in legislation. The Policy will apply to all staff and sets out the Council's high level arrangements for the protection of personal data.

2. What will change as a result of this policy?

The most significant changes to the Council's existing Data Protection Policy are as follows:

Data Protection Principles: A new set of Data Protection Principles has been defined and includes an over-arching 'accountability principle' that requires Data Controllers such as the Council to evidence their compliance in detail.

Special Category Data: Previously called 'sensitive data' under the Data Protection Act 1998, Special Category Data requires enhanced protections. It has been redefined under GDPR, along with associated conditions for processing.

Roles and responsibilities: The Data Protection Officer is a new statutory role under the terms of GDPR, and roles and responsibilities have been updated accordingly. A new role of 'Information Champion' within Service areas has also been defined under the Policy, to ensure that best practice regarding data protection is implemented consistently across the Council.

Rights of individuals: Individual data subjects have new and enhanced rights under GDPR, including the right to request the erasure of their personal information, the right to restrict processing of their data, the right to data portability, and the enhanced right to be informed about how their information will be used.

Data Protection by Design and Default: In line with guidance from the national regulator, the UK Information Commissioner (ICO), the new Policy recognises the importance of integrating data protection into the Council's business processes from the start. It includes the conducting of Data Protection Impact Assessments (DPIAs) as a standard element within the Council's risk reporting and risk management frameworks.

Data Breaches: The revised Policy accounts for the new mandatory deadline of 72 hours to report relevant breaches to the ICO, and it mandates the formation of a new Data Breach Team within the Council to quickly and effectively assess and address data incidents. The Policy also notes the new maximum fine applicable to a security breach of £17,000,000 or 4% of turnover, whichever is higher.

3. Do I need to undertake an Integrated Impact Assessment?

High Relevance	Yes/no
1. The policy/ proposal has consequences for or affects people	Yes
2. The policy/proposal has potential to make a significant impact on equality	No
3. The policy/ proposal has the potential to make a significant	No

impact on the economy and the delivery of economic outcomes	
4. The policy/proposal is likely to have a significant environmental impact	No
Low Relevance	
5. The policy/proposal has little relevance to equality	Yes
6. The policy/proposal has negligible impact on the economy	Yes
7. The policy/proposal has no/ minimal impact on the environment	Yes
<p>If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record.</p> <p>The Data Protection Policy is an internal policy applicable to all East Lothian Council staff, relating to the processing of personal data. There are no changes to the existing Policy which disproportionately or adversely affect individuals within equality groups, although the Policy does affect people to the extent that it enables the Council better to support individual rights to data protection under GDPR and the Data Protection Act 2018. There are no direct impacts on the East Lothian economy or environment.</p>	

If you have answered yes to 1, 2, or 3 above, please proceed to complete the Integrated Impact Assessment.

If you have identified that your project will have a significant environmental impact (4), you will need to consider whether you need to complete a Strategic Environmental Assessment.

4. What information/data/ consultation have you used to inform the policy to date?

Evidence	Comments: what does the evidence tell you?
Data on populations in need	None
Data on service uptake/access	None
Data on quality/outcomes	None
Research/literature	All changes to Council Policy are in line with the

evidence	GDPR, the Data Protection Act 2018, and guidance issued by the national regulator, the UK Information Commissioner.
Service user experience information	None
Consultation and involvement findings	None
Good practice guidelines	All changes to Council Policy are in line with the GDPR, the Data Protection Act 2018, and guidance issued by the national regulator, the UK Information Commissioner.
Other (please specify)	
Is any further information required? How will you gather this?	

5. How does the policy meet the different needs of groups in the community?

	Issues identified and how the strategy addresses these
<p>Equality Groups</p> <ul style="list-style-type: none"> • Older people, people in the middle years, • Young people and children • Women, men and transgender people (includes issues relating to pregnancy and maternity) • Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems) • Minority ethnic people (includes Gypsy/Travellers, migrant workers, non-English speakers) 	<p>Changes affect all individuals equally as data subjects as defined by law.</p> <p>Personal data classed as 'special category data' is afforded enhanced protections, and the use of this data is subject to specific conditions which enhance individual rights and promote equality.</p> <p>'Special category data' includes race, ethnicity, political beliefs, religious or philosophical beliefs, trade union membership, genetic and biometric data, health data and information regarding sex/sexual life.</p>

<ul style="list-style-type: none"> • Refugees and asylum seekers • People with different religions or beliefs (includes people with no religion or belief) • Lesbian, gay, bisexual and heterosexual people • People who are unmarried, married or in a civil partnership 	
<p>Those vulnerable to falling into poverty</p> <ul style="list-style-type: none"> • Unemployed • People on benefits • Single Parents and vulnerable families • Pensioners • Looked after children • Those leaving care settings (including children and young people and those with illness) • Homeless people • Carers (including young carers) • Those involved in the community justice system • Those living in the most deprived communities (bottom 20% SIMD areas) • People misusing services • People with low literacy/numeracy • Others e.g. veterans, students 	<p>Changes affect all individuals equally as data subjects as defined by law.</p> <p>Under previous legislation, a £10 charge could be applied to individual requests for personal data, known as 'Subject Access Requests'. This charge is no longer permitted under GDPR, thus increasing access to information for people on reduced incomes.</p>

<p>Geographical communities</p> <ul style="list-style-type: none"> • Rural/ semi rural communities • Urban Communities • Coastal communities 	<p>Changes affect all individuals equally as data subjects as defined by law.</p>
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6. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

There are no further factors.

7. Is any part of this policy/ service to be carried out wholly or partly by contractors?

No

If yes, how have you included equality and human rights considerations into the contract?

8. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

Privacy information will be communicated to clients by individual services, according to their existing procedures and modes of communication. Information will be communicated to staff via e-learning, Intranet guidance, in-person training and cascading via Managers, with the latter two methods accommodating any individual requirements regarding accessibility.

9. Please consider how your policy will impact on each of the following?

Objectives	Comments
Equality and Human rights	
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	New legislation and associated procedures limit the processing of sensitive 'special category' information to specified purposes, reducing the risk of inappropriate use of information regarding race, ethnicity, religion, sex/sexual life, political beliefs and other similar characteristics.
Promotes good relations within and between people with protected characteristics and tackles harassment	Underlying principles of transparency and openness regarding the processing of personal data improve relationships between the Council and individuals and enhance their privacy rights.
Promotes participation, inclusion, dignity and self control over decisions	Individuals hold a 'right to be informed' of how, why and for how long their personal data is to be used. The parameters for the use of individual consent are also more clearly defined, putting greater control in the hands of individuals.
Builds family support networks, resilience and community capacity	The Policy has no impact on family support networks, resilience or community capacity.
Reduces crime and fear of crime	The Policy has no impact on the reduction of crime or fear of crime.
Promotes healthier lifestyles including <ul style="list-style-type: none"> • diet and nutrition, • sexual health, • substance misuse • Exercise and physical activity. • Lifeskills 	The Policy has no impact on the promotion of healthier lifestyles.
Environmental	
Reduce greenhouse gas (GHG) emissions in East Lothian (including carbon management)	The Policy has no impact on environmental concerns.

Plan for future climate change	
Pollution: air/ water/ soil/ noise	
Protect coastal and inland waters	
Enhance biodiversity	
Encourage resource efficiency (energy, water, materials and minerals)	
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	
Reduce need to travel / promote sustainable forms of transport	
Improves the physical environment e.g. housing quality, public and green space	
Economic	
Maximises income and /or reduces income inequality	The Policy has no impact on economic concerns.
Helps young people into positive destinations	
Supports local business	
Helps people to access jobs (both paid and unpaid)	
Improving literacy and numeracy	
Improves working conditions, including equal pay	
Improves local employment opportunities	

10. Action Plan

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person
No negative impact identified.				

11. Sign off by Head of Service



Name Jim Lamond, Head of Council Resources
Date 29 May 2018