

Appendix 2: Data Protection Impact Assessment

What is a Data Protection Impact Assessment?

A Data Protection Impact Assessment (“DPIA”) is a process that assists organisations in identifying and minimising the privacy risks of new projects or policies. Projects of all sizes could impact on personal data.

The DPIA will help to ensure that potential problems are identified at an early stage, when addressing them will often be simpler and less costly.

Conducting a DPIA should benefit the Council by producing better policies and systems, and improving the relationship with individuals.

Why should I carry out a DPIA?

Carrying out an effective DPIA should benefit the people affected by a project and also the organisation carrying out the project.

Not only is it a legal requirement in some cases, it is often the most effective way to demonstrate to the Information Commissioner’s Officer how personal data processing complies with data protection legislation.

A project which has been subject to a DPIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way.

A DPIA should improve transparency and make it easier for individuals to understand how and why their information is being used.

When should I carry out a DPIA?

The core principles of DPIA can be applied to any project that involves the use of personal data, or to any other activity that could have an impact on the privacy of individuals.

Answering the screening questions in Step 1 of this document should help you identify the need for a DPIA at an early stage of your project, which can then be built into your project management or other business process.

Who should carry out a DPIA?

Responsibility for conducting a DPIA should be placed at senior manager level. A DPIA has strategic significance and direct responsibility for the DPIA must, therefore, be assumed by a senior manager.

The senior manager should ensure effective management of the privacy impacts arising from the project, and avoid expensive re-work and retro-fitting of features by discovering issues early.

A senior manager can delegate responsibilities for conducting a DPIA to three alternatives:

- a) An appointment within the overall project team;
- b) Someone who is outside the project; or
- c) An external consultant.

Each of these alternatives has its own advantages and disadvantages, and careful consideration should be given on each project as to who would be best-placed for carrying out the DPIA.

How do I carry out a DPIA?

Working through each section of this document will guide you through the DPIA process.

The requirement for a DPIA will be identified by answering the questions in Step 1. If a requirement has been identified, you should complete all the remaining sections in order.

After Step 5, the Information Lawyer (Data Protection Officer) will review the DPIA within 14 days of receipt, and complete the rest of the assessment within 28 days. The DPO will identify any privacy risks, and proposed measures to address them.

These measures must then be agreed by the project lead, Information Asset Owner or Administrator, and, in some cases, the Senior Information Risk Owner.

Advice can be found at the beginning of each section, but if further information or assistance is required, please contact the Information Lawyer (Data Protection Officer) on 023 8083 2676 or at dataprotection@southampton.gov.uk.

Version	3.3	Approved by	Data Protection Officer
Date last amended	18th October 2019	Approval date	18th October 2019
Lead officer	Chris Thornton, Information Lawyer (Data Protection Officer)	Review date	16th September 2020
Contact	dataprotection@southampton.gov.uk	Effective date	18th October 2019

Project Details

Name of Project
Block Contract for Children’s Residential Services for Looked after Children
Brief Summary of Project
<p>Over the last year Southampton City Council has regularly had in excess of 30 children and young people in its care whose needs require residential care. Owing to the scarcity of appropriate, local placements, the majority of these children are in residential placement a long distance from the city. The proposal is to run a tender for a block contract with one or several providers on the Children’s Residential Care Framework for 3 – 6 beds in the Southampton area in order to achieve more competitive rates and better access to beds locally. Under a block contract, a provider is guaranteed a fixed payment for a number of beds whether they are used or not. Generally this is at a lower price than would be paid if the beds were purchased on a spot purchase basis. The block contract/s would be for a period of 3 years (with optional 2 year extension) to meet a full range of needs, including challenging behaviour, of Southampton looked after children. Key aims are:</p> <ul style="list-style-type: none"> ○ To keep children local, thereby increasing their chances of maintaining links with their local community, family and friends where this is in the child’s best interest; ○ To maximise potential in the longer term for repatriation with a child’s own family or step down to foster care by enabling local social care and health services to continue working with the child whilst in residential care; ○ To prevent the need for an out of city school placement as a result of lack of care provision to meet a child’s needs within the city ○ To reduce spend on out of city placements (education and care) and achieve reduced rates by putting in place a block contract arrangement
Estimated Completion Date
30/10/2019
Name of Project Lead
Donna Chapman

Details of Person Conducting DPIA

Name
Russell Turner
Position
Service Development Officer
Contact Email Address
Russell.turner@southampton.gov.uk

Step 1: Identify the need for a DPIA

Does your project involve... (tick all that apply)
<input type="checkbox"/> The collection of new information about individuals
<input type="checkbox"/> Compelling individuals to provide information about themselves
<input checked="" type="checkbox"/> The disclosure of information about individuals to organisations or people who have not previously had routine access to the information
<input type="checkbox"/> The use of existing information about individuals for a purpose it is not currently used for, or in a way it is not currently used
<input type="checkbox"/> Contacting individuals in ways which they may find intrusive
<input type="checkbox"/> Making changes to the way personal information is obtained, recorded, transmitted, deleted, or held
<input type="checkbox"/> The use of profiling, automated decision-making, or special category data ¹ to make significant decisions about people (e.g. their access to a service, opportunity, or benefit).
<input type="checkbox"/> The processing of special category data ¹ or criminal offence data on a large scale.
<input type="checkbox"/> Systematically monitoring a publicly accessible place on a large scale.
<input type="checkbox"/> The use of new technologies.
<input type="checkbox"/> Carrying out profiling on a large scale.
<input type="checkbox"/> Processing biometric or genetic data.
<input type="checkbox"/> Combining, comparing, or matching data from multiple sources.
<input type="checkbox"/> Processing personal data without providing a privacy notice directly to the individual.

¹ personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation

- Processing personal data in a way which involves tracking individuals' online or offline location or behaviour.
- Processing children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them.
- Processing personal data which could result in a risk of physical harm in the event of a security breach.

If you answered “yes” to any of these, please proceed to Step 2.

If **none** of these apply, please tick the below box, and return the form to the Information Lawyer (Data Protection Officer) at dataprotection@southampton.gov.uk

None of the screening statements in Step 1 of this document apply to the project, and I have determined that it is not necessary to conduct a Data Protection Impact Assessment

Step 2: Describe the processing

The nature of the processing
How will you collect data?
Data is collected by Children and Families for Children Looked After children (CLA) cases.
How will you use the data?
Data is used in capacity of Corporate Parent and referrals to providers.
How will you store the data?
Data is stored on Paris and/or any successor client case management system
How will you delete the data?
Data is deleted as per Southampton City Council (SCC) retention schedules.
What is the source of the data?
Children in the Care of Southampton City Council (Children Looked After Children (CLA))
Will you be sharing data with anyone?
INFO: If yes, please provide details
Yes, with organisations providing accommodation and care services for LAC on behalf of SCC
If so, how will the data be transferred?
Data transferred by secure email.
If the data is being shared, with this be governed by an agreement (e.g. contract, data sharing agreement, data processing agreement)?
Contract

Describe the scope of the processing
What is the nature of the data?
INFO: Detail the type of personal data being processed. List any fields that will be processed (e.g. name, address, data of birth, NHS number, video images)
Personal data including: name, address, date of birth, NHS number, video images, education

Does it include special category or criminal offence data? Please provide details.

INFO: "Special category" data includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Yes: ethnic origin, possibly Special Educational Needs or Disability (SEND), faith

How much data will you be collecting and using?

Data relevant to Children Looked After and required by Children and Families

How often will the data be collected and used?

Daily

How long will you keep it?

75 years from date of birth as per EA9 entry in the Council's retention schedule

How many individuals are affected?

3-6 at any given time, but over the life of the contract, approximately up to 40-50

What geographical area does it cover?

UK

Describe the context of the processing

What is the nature of your relationship with the individuals?

INFO: Detail who the data subjects will be (e.g. residents, carers, pupils, staff, professionals)

Children in the Care of Southampton City Council (Children Looked After Children (CLA))

How much control will they have over their data?

Individuals will be able exercise rights available to them under the GDPR. SCC is the Corporate Parent.

Would they reasonably expect the Council to use their data in this way?

INFO: Please provide details to support your answer

Yes

Do they include children or other vulnerable groups?

INFO: If yes, please provide details

Yes: Children in the Care of Southampton City Council (Children Looked After (CLA))

Are you aware of any prior concerns over this type of processing or security flaws?

INFO: If yes, please provide details

No

Is the processing novel in any way?

INFO: If yes, please provide details

No

What is the current state of technology in this area?

Paris database and secure email

Are there any current issues of public concern that should be considered?

INFO: If yes, please provide details

No

Describe the purposes of the processing

What do you want to achieve?

Data collected about Children Looked After by Southampton City Council in role as corporate parent is sent to providers (accommodation and care support) as part of referral process.

What is the intended effect on individuals?

Provide care and support as corporate parent.

What are the benefits of the processing – for the Council, and more broadly?

INFO: Please confirm which of the Council's key outcomes this will support, and how

Outcome:

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives

Southampton is an attractive modern city, where people are proud to live and work

How:

Children in the care of the Council are provided with accommodation and care in a safe environment that meets their needs as children and gives them their best chance of a healthy, safe and independent life once they become adults.

Step 3: Consultation process

Consider how to consult with relevant stakeholders

Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so

Children and Families provide relevant advice and guidance to children in the Council's care, and there is understanding that it is not possible to arrange a suitable placement without sharing information about the needs and interest of the children and young people in care from Social Workers and placements team.

Who else do you need to involve, or have you already involved within the Council?

INFO: e.g. IT services, records management

It is not deemed necessary, due to the nature of the processing by the Council's Placements team.

Do you need to ask your processors to assist?

INFO: Processors are third parties who will process the personal data on our behalf

No - it is not deemed necessary, due to the nature of the processing by the placements team.

Do you plan to consult information security experts, or any other experts?

INFO: Please provide details to support your answer

No - it is not deemed necessary, due to the nature of the processing by the placements team.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures

What is your lawful basis for processing? Please choose one of the following...

INFO: There should generally only be one legal basis for processing.

The data subject has given consent

- The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- The processing is necessary for compliance with a legal obligation to which the Council is subject
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council
- The processing is necessary for the purposes of the legitimate interests pursued by the Council or by a third party

Does the processing actually achieve your purpose?

INFO: Please provide details to support your answer

Yes: providers require referral data to match children and young people who are looked After to appropriate accommodation and associated care.

Is there another way to achieve the same outcome?

INFO: Please details to support your answer

No: without data describing children and young people who are looked After needs, appropriate matching could not take place.

How will you prevent function creep?

INFO: Function creep is where data collected for one purpose is used for another purpose over time.

Providers are bound by strict legislative and contract terms.

How will you ensure data quality and data minimisation?

INFO: We should only use the minimum amount of personal data possible to achieve the purpose of the processing.

Children and Families use a standard referral form to ensure consistent sharing of the right information.

What information will you give individuals about the processing?

Children and young people who are looked after are kept informed as appropriate by their social worker who will talk to them about their care including information shared on their behalf.

How will you help to support their rights?

INFO: Data subject's rights include the right to access, rectify, erase, port, and restrict their data.

Children in care have access to an advocate if required through SCC commissioned contract with Daybreak. They are made aware of their rights to request information about their care records under Subject Access to Records requests, and that information about their care is kept by the Council after they have left care.

What measures do you take to ensure processors comply with the GDPR, and assist the Council in supporting individuals in exercising their rights?

INFO: E.g. will there be a contract in place with the processor that contains data protection obligations?

Contract in place.

How do you safeguard any international transfers of personal data?

INFO: If there are no international transfers involved, please state this

There are no international transfers involved

