What is a Privacy Impact Assessment?

A Privacy Impact Assessment ("PIA") 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 PIA 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 PIA should benefit the Council by producing better policies and systems, and improving the relationship with individuals.

Why should I carry out a PIA?

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

Whilst not a legal requirement, it is often the most effective way to demonstrate to the Information Commissioner's Officer how personal data processing complies with the Data Protection Act 1998.

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

A PIA 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 PIA?

The core principles of PIA 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 **Section 1** of this document should help you identify the need for a PIA 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 PIA?

Responsibility for conducting a PIA should be placed at senior manager level. A PIA has strategic significance and direct responsibility for the PIA 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 PIA 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 PIA.

How do I carry out a PIA?

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

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

The Privacy Impact Assessment Statement in **Section 7** should be completed in all cases, and a copy of this document should be sent to the Senior Legal Assistant (Information) to record and review.

The Senior Legal Assistant (Information) will then issue a report, confirming whether the proposed measures to address the privacy risks identified are adequate, and make recommendations for additional measures needed.

These measures will be reviewed once in place to ensure that they are effective.

Advice can be found at the beginning of each section, but if further information or assistance is required, please contact the Senior Legal Assistant (Information) on 023 8083 2676 or at foi.requests@southampton.gov.uk.

Section 1 - Screening Statements

The following statements will help you decide whether a PIA is necessary for your project.

Please tick all that apply.

- [x] The project will involve the collection of new information about individuals.
- [x] The project will compel individuals to provide information about themselves.
- [ ] Information about individuals will be disclosed to organisations or people who have not previously had routine access to the information.
- [ ] You are using information about individuals for a purpose it is not currently used for, or in a way it is not currently used.
- [ ] The project involves you using new technology which might be perceived as being privacy intrusive. For example, the use of biometrics or facial recognition.
- [x] The project will result in you making decisions or taking action against individuals in ways which can have a significant impact on them.
- [x] The information about individuals is of a kind particularly likely to raise privacy concerns or expectations. For example, health records, criminal records, or other information that people would consider to be particularly private.
- [ ] The project will require you to contact individuals in ways which they may find intrusive.
- [ ] The project involves making changes to the way personal information is obtained, recorded, transmitted, deleted, or held.

If any of these statements apply to your project, it is an indication that a PIA would be a useful exercise, and you should complete the rest of the assessment, including the Privacy Impact Assessment Statement in **Section 7**.

If none of these statements apply, it is not necessary to carry out a PIA for your project, but you will still need to complete the Privacy Impact Assessment Statement in **Section 7.**

Section 2 - Identifying the Need for a PIA

With the screening statements in mind, briefly explain what the project aims to achieve, what the benefits will be to the organisation, to individuals, and to other parties.

You may find it helpful to link to other relevant documents related to the project, for example a project proposal.

The aim of the Townhill Park Estate Regeneration project is to comprehensively regenerate the area. The project aims to redevelop all the blocks in the area over a ten year period and re-provide with a mix of new apartment blocks and houses of mixed tenure. The new homes will be designed to modern standards and be energy efficient.

In addition, the external environment will be improved for the benefit of both existing residents and those occupying the new homes. Environmental proposals include a new green space in the centre of the development with play facilities a meeting place and new convenience store. There is also improved walking, cycling and access to neighbouring green spaces. A series of improvements to Meggeson Avenue, is planned, to calm the traffic and provide a more pedestrian friendly environment.

The existing tenants and leaseholders of the areas to be redeveloped are required to move in order that the redevelopment can go ahead. This process is undertaken with comprehensive public consultation to meet statutory requirements. The Council supports Council tenants throughout the process and follows the Council's approved decanting and allocations policies. The Council endeavors to successfully negotiate decanting and relocation of tenants and leaseholders , but where this is not successful it may, in the last resort, use statutory powers such as Compulsory Purchase Order (CPO).

The project will provide a much improve living environment for the new and existing residents of Townhill Park.

Section 3 - Describe the Information Flows

The collection, use, and deletion of personal data should be described here, and it may also be useful to refer to a flow diagram or another way of explaining data flows.

You should also say how many individuals are likely to be affected by the project.

Around 300 properties are required to relocate during the redevelopment of the remaining redevelopment plots

Personal data is principally collected and held by the Council during the decanting and relocating process of Council tenants, leaseholder and in some cases leaseholder tenants.

The data is kept according to the Council's data protection policies and protocols.

In addition, personal data, such as location and contact details are provided voluntarily by residents at public consultation events. This data is only held for the purposes of the consultation and is then deleted.

Section 4 - Identify the Privacy Risks

Answering the questions below will help you identify the key privacy risks, and the associated compliance and corporate risks.

The questions cover the 8 Principles of the Data Protection Act 1998, and whilst all may not be relevant to your project, they may prompt you to consider areas of risk which aren't initially apparent.

Principle 1

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:

a) at least one of the conditions in Schedule 2 is met, and
b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

Have you identified the purpose of the project?

The purpose of the project is the redevelopment of the blocks at Townhill Park and environmental and highways improvements to provide comprehensive regeneration of the area. This process

What information will be collected and/or shared?

Information on Council tenants and their families who are required to decant and find a new home.
Information on leaseholders and their property, and tenants, where the Council requires to

With whom will the information be shared?

Council employees involved in the decanting and relocation of the Council tenants affected.
Council employees involved in the purchase of leaseholder properties

How will individuals be told about the use of their personal data?

Council tenants are told as part of the interview process for decanting
Leaseholders are told as part of the purchase process of their properties

Who should be consulted about the processing of personal information, internally and externally?

The information collected on Council tenants is only that which is usually collected by Housing Allocation and Housing Services. It is not usual to require the data to be shared externally and this

How will you carry out the consultation?

The process of decanting and allocating new properties to Council tenants is carried out in consultation and agreement with other relevant parties in the Council.

Conditions for processing

For all data (tick all that apply):

- ☑ The individual who the personal data is about has consented to the processing.
- ☑ The processing is necessary in relation to a contract which the individual has entered into, or because the individual has asked for something to be done so they can enter into a contract.
- ☐ The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).
- ☐ The processing is necessary to protect the individual's "vital interests".
- ☑ The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions.
- ☑ The processing is necessary for the purposes of the Council's legitimate interests.

If your project involves the processing of sensitive data* (tick all that apply):

- ☐ The data subject has given his explicit consent to the processing of the personal data.
- ☐ The individual who the sensitive personal data is about has given explicit consent to the processing.
- ☐ The processing is necessary so that you can comply with employment law.
- ☐ The processing is necessary to protect the vital interests of the individual (in a case where the individual's consent cannot be given or reasonably obtained), or another person (in a case where the individual's consent has been unreasonably withheld).
- ☐ The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.
- ☐ The individual has deliberately made the information public.
- ☑ The processing is necessary in relation to legal proceedings (for obtaining legal advice, or otherwise for establishing, exercising or defending legal rights).
- ☑ The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- ☑ The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.
- ☐ The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.

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* Under the Data Protection Act 1998, sensitive personal data is defined as personal data consisting of information as to:

(a) the racial or ethnic origin of the data subject,
(b) his political opinions,
(c) his religious beliefs or other beliefs of a similar nature,
(d) whether he is a member of a trade union,
(e) his physical or mental health or condition,
(f) his sexual life,
(g) the commission or alleged commission by him of any offence, or
(h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

Information collected from Council tenants is similar to that held under their tenancy agreement with the Council as landlord

Do you need to create or amend privacy notices (which inform the data subject at the point of collection how their information will be used)?

No

Will your actions interfere with the right to privacy under Article 8 of the European Convention on Human Rights (right to respect for private and family life)?

No

Will any information from the project be published on the Internet or in other media?

Design proposals and updates on the project are published on the Council's website and in news letters and other communications mainly aimed at informing local residents. Personal information

Will a third party contractor be involved in the data processing process?

No

Have you identified the social need and aims of the project?

Yes. The project will create a much improved environment and modern quality homes for residents

Are your actions a proportionate response to the social need, and why?

Yes. It is not possible to redevelop the plots in order to gain the maximum quality new housing and environmental improvement without moving residents and demolishing the existing properties

Principle 2

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Does your project plan cover all of the purposes for processing personal data?

Yes

Have potential new purposes been identified as the scope of the project expands?

No

Principle 3

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Is the information you are using of good enough quality for the purposes it is used for?

Yes

Which personal data could you not use, without compromising the needs of the project?

None

How will you ensure that only data that is adequate, relevant, and not excessive in relation to the purpose is processed?

The data gathered is only that which is required to carry out the purpose for which it is required and is in line with Council policy

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

If you are procuring new software does it allow you to amend data when necessary?

Not relevant. Current systems are adequate

How will you ensure that personal data obtained from individuals or other organisations is accurate?

Data is cross checked with data already held on Council tenants. Leaseholder information can be checked against relevant legal documents

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Principle 5

Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.

What retention periods are suitable for the personal data you will be processing?

The retention periods used by the Council's decant and allocations service
In the case of leaseholder purchases legal documentation, retention according to the Legal service

Are you procuring software which will allow you to delete information in line with your retention periods?

No

What processes will be put in place for the destruction of the data?

The processes used by the Council's decant and allocations service
In the case of leaseholder purchases legal documentation, retention according to the Legal service

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Principle 6

Personal data shall be processed in accordance with the rights of data subjects under this Act.

Will the systems you are putting in place allow you to respond to subject access requests more easily?

Yes

If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?

Not applicable

Principle 7

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Where, and in what format, will the personal data be kept?

The personal data is kept in paper form and processed on the Council's IT.
Where legal documents are involved a copy is retained by the Council's Legal service.

Will an IT system or application be used to process the personal data?

Yes The Council tenant information is usually collected on a form and the information kept on the Council's IT systems for decanting and allocation.

Do any new systems provide protection against the security risks you have identified?

There are no new systems and data both on paper and IT is kept according to the Council's data protection policies

What training and instructions are necessary to ensure that staff know how to operate the system securely?

All Council staff undergo annual data protection training. In addition Council staff specifically working on this project are reminded of data protection requirements.

Will staff ever work away from the office (e.g. on laptops, tablets, or smart phones)?

Yes. Staff may be located at the Local Housing Office and access the Council's IT system from that office

How will access to the personal data be controlled?

Only those that require access to the data will be able to access it.
Data is kept secure in Council premises or on the Council's IT system where security protocols are

Principle 8

Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country of territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Will the project require you to transfer data outside of the EEA?

No

If you will be making transfers, how will you ensure that the data is adequately protected?

No transfers required

If a contractor is being used to process the personal information, where are they (and their data stores) based?

No contractor involved in the data processing

Section 5 - Summary of Identified Risks

Completing the questions in Section 4 will hopefully have identified areas in your project where personal data is at risk.

Use this section to summarise those risks.

Privacy Issue

Personal data held on individuals

Risk to Individual

Breach of privacy if this information became public or was inappropriately shared

Risk to the Council

Breach of Data Protection legislation

Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Risk to Individual

Risk to the Council

Privacy Issue

Section 6 - Identify Privacy Solutions

For each of the risks identified in Section 6, describe the actions you could take to reduce them, and any future steps which would be necessary (e.g. the production of new guidance or future security testing for systems).

Risk

Private data held about tenants or leaseholders is made public or shared inappropriately

Solution

Only data required is collected
Data is retained on secured Council IT systems or in secure premises
Data is only shared by those who require to use it

Result

- ◯ Risk Eliminated
- ◉ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◉ Yes
- ◯ No

Risk

Solution

Result

- ◯ Risk Eliminated
- ◯ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◯ Yes
- ◯ No

Risk

Solution

Result

- ◯ Risk Eliminated
- ◯ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◯ Yes
- ◯ No

Risk

Solution

Result

- ◯ Risk Eliminated
- ◯ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◯ Yes
- ◯ No

Risk

Solution

Result

- ◯ Risk Eliminated
- ◯ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◯ Yes
- ◯ No

Risk

Solution

Result

- ◯ Risk Eliminated
- ◯ Risk Reduced
- ◯ Risk Accepted

Is impact of solution on individuals justified, compliant, and proportionate?

- ◯ Yes
- ◯ No

Section 7 - Privacy Impact Assessment Statement

This statement must be completed for all projects, regardless of whether a PIA was deemed to be necessary on completion of the screening questions in Section 1.

Name:

Sue Jones

Position:

Estate Regeneration Project Manager

Project Summary:

Townhill Park Regeneration involves the redevelopment of the existing blocks of flats over a10 year period providing new quality homes that are energy efficient. Proposals include the creation of a new park in the centre of the area and other environmental improvements including traffic calming

Please choose one of the following options:

- ○ None of the screening statements in Section 1 of this document apply to the above project, and I have determined that it is not necessary to conduct a Privacy Impact Assessment.
- ◉ Some of the screening statements in Section 1 of this document apply to the above project, and a need to carry out a Privacy Impact Assessment was identified. The assessment has been carried out, and the outcomes will be integrated into the project plan to be developed and implemented.

Date:

03/13/2017

Once completed, please send a copy of this document to the Senior Legal Assistant (Information):

Email: foi.requests@southampton.gov.uk

Internal post: Corporate Legal, Civic Centre, Municipal, Ground Floor West

Document Information

Title: Privacy Impact Assessment

Author: Chris Thornton, Senior Legal Assistant (Information)

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Agreed by: Richard Ivory, Head of Legal and Democratic Services

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17/07/15 - Version 2.1 - Reviser: Chris Thornton - Added information re report in introduction

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