

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.

Data Protection Impact Assessment Template			
Version	3.4	Approved by	Data Protection Officer
Date last amended	4 th December 2019	Approval date	5 th December 2019
Lead officer	Chris Thornton, Information Lawyer (Data Protection Officer)	Review date	5 th December 2020
Contact	dataprotection@southampton.gov.uk	Effective date	5 th December 2019

Project Details

Name of Project
Provision of an Environmental Enforcement Service to tackle littering within Southampton City Council Boundary for a twelve month period with the option to either continue or discontinue this after that time.
Brief Summary of Project
<p>To introduce the provision of an Environmental Enforcement Service to tackle littering within the City Boundary. The service would be authorised to issue and process Fixed Penalty Notices (FPNs) (within agreed terms and conditions and meet the Code for Crown Prosecutor's requirements) to members of the public who drop litter and cigarette ends on the ground.</p> <p>It is proposed that we authorise East Hampshire District Council (EHDC) to provide this service on our behalf using the powers of delegation set out in the Local Government Act 1972.</p> <p>They will provide the trained officers who will patrol agreed hot spot areas within the City and issue AN on the spot FPN to a member of the public who is seen to discard litter inappropriately. It is proposed that each FPN will cost the offender £75.00 unless it is paid within 10 days from the issuing date of the FPN when it will be reduced to £55.00.</p> <p>SCC shall pay EHDC a flat rate of £55.00 per correctly issued FPN. This fee will cover EHDC being responsible for the provision of suitably qualified staff, the processing of all FPNs including final reminders, representations, preparation of court packs, and phone calls. EHDC will provide the single justice procedure processing service free of charge to SCC recovering its costs from the courts.</p> <p>SCC will collect the penalties payable pursuant to the issue of FPNs in the course of performance of their functions. EHDC shall invoice SCC in respect of the FPNs following the end of each calendar month.</p> <p>EHDC will provide the enforcement officers with their training, uniforms and IT equipment.</p>
Estimated Completion Date
March 2021
Name of Project Lead
Rosie Zambra

Details of Person Conducting DPIA

Name
Rosie Zambra
Position

Divisional Head of Service – Consumer Protection and Environmental Services

Contact Email Address

Rosie.zambra@southampton.gov.uk

Step 1: Identify the need for a DPIA

Does your project involve... (tick all that apply)

- The collection of new information about individuals
- Compelling individuals to provide information about themselves
- The disclosure of information about individuals to organisations or people who have not previously had routine access to the information
- 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
- Contacting individuals in ways which they may find intrusive
- Making changes to the way personal information is obtained, recorded, transmitted, deleted, or held
- The use of profiling, automated decision-making, or special category data¹ to make significant decisions about people (e.g. their access to a service, opportunity, or benefit).
- The processing of special category data¹ or criminal offence data on a large scale.
- Systematically monitoring a publicly accessible place on a large scale.
- The use of new technologies.
- Carrying out profiling on a large scale.
- Processing biometric or genetic data.
- Combining, comparing, or matching data from multiple sources.
- Processing personal data without providing a privacy notice directly to the individual.
- 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.

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 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?
Approaching the individual and requesting the information and recording this on a mobile handheld device.
How will you use the data?
Data to be used to issue Fixed Penalty notices. The data will be used in court to support prosecutions for the above offences and in relation to dealing with representations received regarding FPN's and complaints. The data will be used in assisting with the identification of offenders
How will you store the data?
The data will be collected and processed by EHDC. The data will be stored on EHDC's equipment,
How will you delete the data?
EHDC will delete the data upon instruction from SCC, in line with SCC's retention schedule.
What is the source of the data?
Received directly from offenders
Will you be sharing data with anyone?
INFO: If yes, please provide details
Data shared between East Hants District Council and Southampton City Council. It is possible some data will be shared with the police for the purposes of criminal investigations where there have been assaults or interventions by them to assist our officers. The data will be shared with the relevant courts when a prosecution or trial is required for a FPN.
If so, how will the data be transferred?
Downloaded to secure database

If the data is being shared, with this be governed by an agreement (e.g. contract, data sharing agreement, data processing agreement)?

Yes. An Inter Authority Deed of Delegation between Southampton City Council and East Hants District Council will be drawn up and signed by both parties. The Deed will contain obligations around data protection and EHDC's processing of SCC's personal data.

Disclosures to Police would only be authorised on receipt of a valid and approved DP2 / third party request.

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, date of birth, NHS number, video images)

Name/ address / date of birth of the offender

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.

No, although the purpose of the processing relates to a criminal offence (i.e. that the individual has contravened the Environmental Protection Act 1990)

How much data will you be collecting and using?

Name/Address and date of birth of the offender – the minimum necessary to issue a FPN

How often will the data be collected and used?

Daily

How long will you keep it?

INFO: Please specify a time period, and the corresponding entry on the Council's Retention Schedule:

<https://staffinfo.southampton.gov.uk/information-governance/records-management/retention.aspx>

If unsure, contact the Senior Records Officer: records.management@southampton.gov.uk

Two years, in accordance with entry BD12(a) of the retention schedule (Magistrates Courts Prosecutions).

How many individuals are affected?

It is anticipated that around 5 FPNs will be issued per officer per day.

What geographical area does it cover?

Southampton City Council boundary/wards.

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)

Residents/visitors to the city

How much control will they have over their data?

They will only need to provide name/address and date of birth in order to issue a Fixed Penalty Notice.

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

INFO: Please provide details to support your answer

The data subject will be aware/or notified how we will use their data in relation to a FPN as they will be advised of this at point of issue, and provided further information in any correspondence relating to the FPN. They will be provided with a link to SCC’s privacy policy.

Do they include children or other vulnerable groups?

INFO: If yes, please provide details

We may possibly process some data of children aged between 15 – 18 and this would be if they have been caught littering or allowing a dog to foul. We would ask to see ID to verify an age and if under 18 a warning would be given and no data taken or stored. If they have no ID then a name and address and date of birth is taken and a letter would be sent addressed to the parents of. This data would be stored and treated the same way as all data we process. Our processes are set to minimize the need to take data from a child or process and store it.

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?

Regularly used by other authorities and reliable. Assurances have been provided by EHDC via their own Data Protection Impact Assessment.

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?

To promote a clean and tidy city and demonstrate that SCC have a zero tolerance regarding littering.

What is the intended effect on individuals?

To ensure offenders are issued with an appropriate fixed penalty, which will hopefully have a wider effect of improving the environment and surroundings for residents and visitors of Southampton,

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:

To promote a clean and tidy city and demonstrate that SCC have a zero tolerance regarding littering.

To help create cleaner place, improve resident’s feelings of safety and satisfaction relating to where they live and work and protect the environment within SCC’s administration.

To assist to change the public perception that the Council is not using the powers available to them to deal with littering.

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

This has been discussed with the Southampton BID who support this project.

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

INFO: e.g. IT services, records management

IT services to assist with online payments of fines. Cabinet Member/Leader and CEO are all aware.

Do you need to ask your processors to assist?

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

Yes. East Hants District Council will process this data.

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

INFO: Please provide details to support your answer

No. Assurances have been obtained from EDHC regarding the security system, via their Data Protection Impact Assessment.

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

Please provide further information to support this

INFO: For example, if the processing is necessary in order for the Council to perform a statutory function, detail the relevant legislation.

The task or function has a clear basis in law. We use the legislation from Section 87 and 88 of the Environmental Protection Act 1990

The proposals will be delivered via an Inter Authority Deed of Delegation relating to the provision of Environmental Enforcement Services by East Hants District Council in the administration area of Southampton City Council under section 101-103, 111 and 113 of the Local Government Act 1972 and sections 9EA, 19 and 20 of the Local Government Act 2000 together with Regulation 5 of the Local Authorities (arrangements for the discharge of functions) (England) Regulations 2012.

Does the processing actually achieve your purpose?

INFO: Please provide details to support your answer

Processing of data will result in a Fixed Penalty Notice being issued to the offender.

Is there another way to achieve the same outcome?

INFO: Please details to support your answer

To deliver the function entirely in house using new resources – this has been rejected because it would require an increase to the existing establishment along with training, equipment and other associated costs that would require additional funding over and above the proposed option.

How will you prevent function creep?

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

Access to the data will be restricted, and staff will be aware of the Council’s policies regarding the use of personal data. EHDC’s use of the data will be set via the Deed of Delegation.

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.

This has been predetermined and agreement made to keep this to the minimum needed.

What information will you give individuals about the processing?

The data subject will be aware/or notified how we will use their data in relation to a FPN as they will have been told this at point of issue This includes a link to the Council’s privacy policy.

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.

Individuals will be made aware of their rights through the privacy information provided, and the Council have existing processes in place to action any requests to exercise these rights. The Deed of Delegation with EHDC will include instructions on how to process such requests.

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?

An Inter Authority Deed of Delegation between Southampton City Council and East Hants District Council will be drawn up and signed by both parties. The Deed will contain obligations around data protection and EHDC's processing of SCC's personal data

How do you safeguard any international transfers of personal data?

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

No international transfers involved.

Step 5: Send DPIA Form to the Data Protection Officer

After completing this part of the form, please send the document to the Information Lawyer (Data Protection Officer) at dataprotection@southampton.gov.uk.

The DPO will review the information provided, and identify and assess the privacy risks.

Step 6: Identify and assess risks (DPO to complete)

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
1. As EHDC are SCC's data processor, the Deed of Delegation will be required to include the necessary information detailed in Article 28 of the GDPR. The DPIA states that the Deed will contain clauses relating to data protection, but it is not clear whether these meet the requirements of Article 28	Remote	Minimal	Low
2. SCC will be the data controller, and there is a risk that this will not be obvious to data subjects, as EHDC are performing this function on SCC's behalf. This may impact a data subject's ability to exercise their rights under the GDPR.	Possible	Minimal	Low

Step 7: Identify legal basis and measures to reduce risk (DPO to complete)

Condition(s) for Processing
Personal Data
<input type="checkbox"/> The data subject has given consent <input type="checkbox"/> 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 <input type="checkbox"/> The processing is necessary for compliance with a legal obligation to which the Council is subject <input checked="" type="checkbox"/> 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 <input type="checkbox"/> The processing is necessary for the purposes of the legitimate interests pursued by the Council or by a third party
Further Information
The task or function has a clear basis in law. The Council rely on the legislation from Section 87 and 88 of the Environmental Protection Act 1990.

Special Categories of Personal Data

- The data subject has given explicit consent
- The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
- The processing is necessary for reasons of substantial public interest
- The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems
- The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
- No special category data being processed

Further Information

No special category is being collected, however the purpose of the processing relates to a criminal offence (i.e. that the individual has contravened the Environmental Protection Act 1990)

Data Protection Act 2018 Schedule 1 Condition

Schedule 1, Part 2, Para 6 - Statutory etc. and government purposes.

Further Information

The task or function has a clear basis in law. The Council rely on the legislation from Section 87 and 88 of the Environmental Protection Act 1990.

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5

Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk
1.	The Data Protection Officer should be consulted as part of the drafting of the Deed of Delegation, to ensure it contains the necessary information under Article 28 of the GDPR.	Eliminated	N/A
2.	It should be clear from any information provided to the data subjects that the FPN is being issued on behalf of Southampton City Council, and the data subjects must be provided with a link to SCC's privacy information. The service area must also liaise with the Data Protection Officer to create a bespoke privacy page on the Council's website containing information relevant to the processing.	Eliminated	N/A

Comments from the Data Protection Officer

Aside from the above, I am satisfied that all reasonable privacy risks have been identified and addressed.

Comments from the Senior Records Officer

Retention period agreed, and new entry on the schedule will be created (DL5)

Step 8: Sign off

Item	Date	Notes
DPO reviewed DPIA and provided advice on:	23 rd January 2020	DPO should advise on compliance, step 7 measures and whether processing can proceed
Senior Records Officer reviewed DPIA on:	23 rd January 2020	SRO should advise on records management matters
Measures approved by Project Manager on:	23 rd January 2020	Integrate actions back into project plan, with date and responsibility for completion
Comments from Project Manager:	No comments	
Residual risks approved by Information Asset Owner / Administrator on:	23 rd January 2020	
Comments from IAO / IAA:	No comments.	
Residual high risks approved by the Senior Information Risk Owner on:	N/A	If accepting any residual high risk, consult the ICO before going ahead
Comments from SIRO:	N/A	

Step 9: Review

Item	Date	Comments
DPO reviewed DPIA on:		
Date of next review:		