



DATA PROTECTION IMPACT ASSESSMENT - V1.0

Reference number: DPIA-145

Author: Karen Shaw
Email: Karen.shaw@nottinghamcity.gov.uk

DATA PROTECTION IMPACT ASSESSMENT

When to complete this template:

Start to fill out the template at the beginning of any major project involving the use of personal data, or, where you are making a significant change to an existing process that affects personal data. Please ensure you update your project plan with the outcomes of the DPIA.

Table of Contents

- 1. Document Control 4
- 2. Document Amendment Record 4
- 3. Contributors/Reviewers 4
- 4. Glossary of Terms..... 4
- 2. Screening Questions..... 5
- 3. Project - impact on individual's privacy..... 7
- 4. Legal Framework and Governance – Compliance..... 13
- 5. Personal Data Processing Compliance 15
- 6. Sign off and record outcomes..... 22

1. Document Control

1. Control Details

Author of DPIA:	Karen Shaw
Owner of project:	Karen Shaw/Matt Gregory
Contact details of Author:	Karen.shaw@nottinghamcity.gov.uk

2. Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved

3. Contributors/Reviewers

Name	Position	Date
James Tennant	Information Officer	

4. Glossary of Terms

Term	Description
<i>Please insert any abbreviations you wish to use:</i>	

Author: Karen Shaw
 Email: Karen.shaw@nottinghamcity.gov.uk

2. Screening Questions

<p>1. Does the project involve personal data? Yes</p>	<p>If 'Yes', answer the questions below. If 'No', you do not need to complete a DPIA but make sure you record the decision in the project documentation.</p>
<p>2. Does the processing involve any of the following data: medical data, ethnicity, criminal data, biometric data, genetic data and any other special/ sensitive data? <i>Whilst not requested, individuals sometimes refer to specific personal circumstances (eg health issues) as part of their comments on consultations.</i></p>	<p>No</p>
<p>2. Does the processing involve any systematic or extensive profiling?</p>	<p>No</p>
<p>3. Does the project involve processing children's data or other vulnerable citizen's data? <i>Although not specifically sought, consultations are open to all, so consultation comments may be received from children.</i></p>	<p>Yes</p>
<p>4. Does the processing involve decisions about an individual's access to a product, service, opportunity or benefit that is based on any evaluation, scoring, or automated decision-making process? <i>May result in land adjoining their properties being allocated for development. May result in land they are promoting for development being allocated.</i></p>	<p>Yes</p>
<p>5. Does the processing involve the use of innovative or new technology or the novel application of existing technologies?</p>	<p>Yes</p>
<p>6. Does this project involve processing personal data that could result in a risk of physical harm in the event of a security breach?</p>	<p>No</p>
<p>7. Does the processing combine, compare or match data from multiple sources?</p>	<p>Yes</p>
<p>8. Does the project involve processing personal data without providing a privacy notice?</p>	<p>No</p>
<p>9. Does this project process data in a way that tracks on line or off line location or behaviour?</p>	<p>No</p>
<p>10. Will the project involve using data in a way it has not been used before?</p>	<p>No</p>
<p>11. Does the project involve processing personal data on a larger scale?</p>	<p>No</p>

12. Will the project involve processing data that might prevent the Data Subject from exercising a right or using a service or entering into a contract?	No
If you answered 'Yes' to any <u>two</u> of the questions above, proceed to Question 3 below. If not seek advice from the DPO as you may not need to carry out a DPIA.	Yes/No

<p><u>Project Title:</u> Greater Nottingham Joint Planning Consultation Database</p> <p><u>Team:</u> Planning Policy and Research Team</p> <p><u>Directorate:</u> Development and Growth</p> <p><u>DPIA Reference number:</u> DPIA-145</p> <p><u>Has Consultation been carried out?</u> Consultation with officers, in the joint authorities to reach conclusion to proceed with a joint database. Decision authorised by the Greater Nottingham Joint Planning Advisory Board. Nottingham City Council internal consultation sought input from Data Protection Team, Legal Team, Procurement Team and IT Team.</p>	
1. DDM attached? <i>Project cost is under £10k</i>	No
2. Written evidence of consultation carried out attached? <i>Agreement from IT/Procurement confirmed via email</i>	Yes
3. Project specification/ summary attached? <i>G-Cloud 11 Call-Off Contract</i>	Yes
4. Any existing or previous contract / SLA / processing agreement attached? <i>Datasharing Partnership Agreement being worked up</i>	Yes/No
5. Any relevant tendering documents attached? <i>Database is being procured by Gedling Borough Council on behalf of the Greater Nottingham Councils. A comparison table of the 2 different systems considered is attached.</i>	Yes
6. Any other relevant documentation attached?	No

3. Project - impact on individual's privacy

Issue	Questions	Examples	Yes/No	Initial comments on issue & privacy impacts
Purpose and means				Profiling, data analytics, Marketing. Note: The GDPR requires a DPIA to be carried out where there is systematic and extensive evaluation of personal aspects relating to individuals based on automated processing, including profiling, and on which decisions about individuals are based.
	Please give a summary of what your project is about (<i>you can also attach or embed documents for example a project proposal</i>).			<p>This project concerns the procurement of a Greater Nottingham Joint Consultation Database for planning documents. The Greater Nottingham planning authorities (comprising Gedling Borough Council Erewash Borough Council, Rushcliffe Borough Council, Broxtowe Borough Council and Nottingham City Council) are working together to review the Greater Nottingham Aligned Core Strategy 2014. In order to make this process more efficient they will procure an on-line joint consultation database designed and hosted by Inovem to hold consultee information and use it to run mailouts and store consultation comments.</p> <p>In addition, Nottingham City Council will use the database to run mailouts for City-specific planning documents, but consultation comments on City-specific documents will be stored separately.</p>
	<p>Aims of project</p> <p>Explain broadly what the project aims to achieve and what types of processing it involves.</p>			<p>To jointly collect planning consultee information for individuals interested in participating in planning document preparation across the Greater Nottingham area.</p> <p>Personal information will be stored and processed in the database (name, postal address, email address and telephone numbers) in order to run planning document consultation mailouts and notifications.</p> <p>Consultee comments relating to planning documents will be stored and processed in the database.</p> <p>It is not anticipated that Special Category Personal Data will be provided from any individual however if individuals choose to provide this type of data, the lawful basis for processing will be explicit consent.</p>

	<p>Describe the nature of the processing</p> <p>How will you collect store and delete data? Will you be sharing with anyone? You might find it useful to refer to a flow diagram or another way of describing data flows. What types of processing identified as likely high risk are involved? Who will have access to the project personal data, how is access controlled and monitored and reliability of staff assessed? Will data be separated from other data with in the system?</p>		<p>Personal data held in the joint consultation database will be used to send email/postal mailouts to inform individuals about planning document consultations.</p> <p>Consultation comments on joint planning documents will also be stored in the joint consultation database.</p> <p>Processing identified as low risk as no special category data is being processed.</p> <p>Access to information is restricted by the need to log in to the software (which is restricted to the joint participating authorities). Whilst anyone can register with the software in order to make comments, only those with appropriate access (as set up Inovem) can view the database (including personal comments and consultation comments received).</p> <p>Data sharing agreement is being prepared by Gedling Borough Council who have taken the lead in procuring the database and will be signed by all the joint authorities in the partnership.</p> <p>Data may be extracted from the database during the Public Examination of Planning Documents to the Planning Inspectorate/Programme Officer. This is a legal requirement. Any information will be sent securely via password encrypted attachments</p>
	<p>Privacy Implications</p> <p>Can you think of any privacy implications in relation to this project? How will you ensure that use of personal data in the project is limited to these (or “compatible”) purposes?</p>		<p>No</p> <p>No-one other than appropriate offices in the joint planning authorities has access to database. Access to the database is restricted by the need to log in to the software with a password.</p> <p>Consultation comments on joint planning documents are stored within the Joint Consultation Database. Consultation comments on City-specific planning documents will be held by Nottingham City Council only.</p>
	<p>New Purpose</p>		<p>No</p>

	Does your project involve a new purpose for which personal data are used?			
	<p>Consultation</p> <p>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. Who else do you need to involve in NCC? Do you plan to consult Information security experts, or any other experts?</p>		Yes	<p>Data Protection, Legal, Procurement and IT Teams within Nottingham City Council have been consulted.</p> <p>Officers in the joint authorities will be consulted as appropriate to each council.</p>
Expanding customer base; Technology which must be used by individuals; Hidden or complex uses of data; Children's data				
Individuals (data subjects)	Will the project:			
	Affect an increased number, or a new group, or demographic of individuals (to existing activities)?		N	Letters go out to pool of consultees already held by NCC.
	Involve a change to the way in which individuals may be contacted, or are given access to services or data? Are there any areas of public concern that you should factor in?		Y	Citizens encouraged to respond by email to improve security and efficiency.
	Affect particularly vulnerable individuals, including children?		N	Whilst consultation is open to all citizens in Nottingham, which may include vulnerable individuals, the project is not targeted at vulnerable individuals.

	Give rise to a risk that individuals may not know or understand how their data are being used?		N	Letters and privacy notices (joint and individual) make clear how data is being used.
Parties	Does the project involve:	Outsources service providers; Business partners; Joint ventures		
	The disclosure of personal data to new parties?		Y	Information available to officers in the joint councils. This will be restricted via the need for a password to log in to the software. Data sharing agreement will be in place.
	The involvement of sharing of personal data between multiple parties?		Y	As above. In addition, data may be extracted from the database during the Public Examination of Planning Documents to the Planning Inspectorate/Programme Officer. This is a legal requirement. Any information will be sent securely via password encrypted attachments.
Data categories	Does the project involve:	Special personal data; Biometrics or genetic data; Criminal offences; Financial data; Health or social data; Data analytics: Note: the GDPR requires a DPIA to be carried out where there is processing on a large scale of special categories of data or of data relating to criminal convictions and offences		
	The collection, creation or use of new types of data?		N	
	Use of any special or privacy-intrusive data involved? <ul style="list-style-type: none"> • Political opinions • Religious beliefs or philosophical beliefs • Trade union membership • Genetic data • Biometric data • Sexual life 		possible	Although NCC will not be asking for special data due to the nature of the consultation it is possible that some special data could be included voluntarily by the person replying to the consultation. If this occurs it will be on the basis on explicit consent.

	<ul style="list-style-type: none"> • Prosecutions • Medical data • Criminal data <p>(Criminal data processing, i.e. criminal convictions, etc. also has special safeguards under Article 10)</p>			
	<p>New identifiers, or consolidation or matching of data from multiple sources?</p> <p>(For example a unique reference number allocated by a new management system)</p>		N	
Technology	New solutions:	Locator or surveillance technologies; Facial recognition; Note: the GDPR requires a DPIA to be carried out in particular where new technologies are involved (and if a high risk is likely)		
	Does the project involve new technology that may be privacy-intrusive?		N	

Data quality, scale and storage		New data		
Data quality, scale and storage	<p>Data:</p> <p>Does the project involve changes to data quality, format, security or retention? What are the benefits of the processing?</p> <p>i.e. will the new system have automatic retention features? Will the system keep the information in a safer format etc.?</p>		Y	<p>Data quality will be improved due to removal of duplicate consultees/consultation comments across the greater Nottingham authority areas.</p> <p>New database will be more secure due to password restricted access.</p> <p>Database subject to joint and individual authority Privacy Notices and a joint data sharing agreement.</p> <p>IT signed off on database.</p>
	Does the project involve processing data on an unusually large scale?		N	Small scale and necessary to complete joint consultation.
Monitoring, personal intrusion		Surveillance; GPS tracking; Bodily testing; Searching; Note: the GDPR requires a DPIA to be carried out where the project involves systematic monitoring of a publicly accessible area on a large scale		
Monitoring, personal intrusion	<p>Monitoring:</p> <p>Does the project involve monitoring or tracking of individuals or activities in which individuals are involved?</p>		N	
	Does the project involve any intrusion of the person?		N	
Data transfers		Transfers outside the EEA		
Data transfers	Does the project involve the transfer of data to or activities within a country that has inadequate or significantly different data protection and privacy laws?		N	

4. Legal Framework and Governance – Compliance

Ref.	Question	Response	Further action required (and ref. to risk register as appropriate)
1. Applicable laws and regulation			
1.1	Which data protection laws, or laws which impact data protection and privacy, will be applicable to the project?	<ul style="list-style-type: none"> • General Data Protection Regulation 2016/679 • Data Protection Act 2018 • Human Rights Act 1998 	
1.2	Are there any sector-specific or other regulatory requirements or codes of practice, which should be followed?	Local Planning England Regulations 2012 and associated amendments.	
2. Organisation's policies			
2.1	Is the project in compliance with the organisation's information management policies and procedures (including data protection, information security, electronic communications)?	Yes.	

2.2	Which policy requirements will need to be followed throughout design and implementation of the project?	Data Protection Policy Information Security Policy Records Management Policy Statement of Community Involvement (for Planning)	
2.3	Are any changes/updates required to the organisation`s policies and procedures to take into account the project? Note: new requirements for “Accountability” under the GDPR, including record-keeping, DPOs and policies	No	
3. Training and roles			
3.1	Will any additional training be needed for staff in relation to privacy and data protection matters arising from the project?	All members of staff complete mandatory GDPR and Information Security Awareness training.	

5. Personal Data Processing Compliance

Ref.	Question	Response	Further action required (and ref. to risk register as appropriate)
1. Personal Data Processing			
1.1	Which aspects of the project will involve the processing of personal data relating to living individuals?	Mail-out of consultations and storing of consultation responses.	
1.2	Who is/are the data controller(s) in relation to such processing activities?	Gedling Borough Council is the data controller for the purposes of the G-Cloud 11 Contract with Inovem. Broxtowe, Rushcliffe and Nottingham City are equal users of the software however so the Partnership Agreement sets out that they are subject to exactly the same terms and conditions as Gedling Borough Council and are also in effect data controllers.	
1.3	Who is/are the data processor in relations to such processing activities?	The product supplier (Inovem) Contract with Inovem and Gedling BC	
2. Fair and Lawful processing - GDPR Articles 5(1)(a), 6, 9, 12, 13			
2.1	Which fair processing conditions are you relying on? GDPR: Article 6(1) (legal basis for processing) and, for sensitive personal data, Article 9(2).	6(1). Choose at least one of the following for personal data, usually (e) -(Cross out the rest) <ul style="list-style-type: none"> a) Consent b) Performance of c) Legal obligation d) Vital interests e) Public interest / exercise of Authority 	

Note: different conditions may be relied upon for different elements of the project and different processing activities. Also, the scope of special category data is wider under the GDPR, and in particular includes genetics & biometric data, and sexual orientation.			
2.2	How will any consents be evidenced and how will requests to withdraw consent be managed?	Whilst processing under public task use of downloadable consultee information form and an e-form for individuals to complete in order to opt-in their details to be on joint database	
Note: new requirements for obtaining and managing consents within the GDPR.			
2.3	Is the data processing under the project covered by fair processing information already provided to individuals or is a new communication needed (see also data subject rights below)?	There are both joint and individual authority Privacy Notices available which relate to the joint consultation database.	
Note: more extensive information required under the GDPR than under current law, and new requirements on how such information is provided. Also a general principle of “ <i>transparency</i> ”. It is important to assess necessity and Proportionality			
2.4	If data is collected from a third party, are any data protection arrangements made with such third party?	Information sharing agreement in place	
2.5	Is there a risk of anyone being misled or deceived?	No	
2.6	Is the processing “fair” and proportionate to the needs and aims of the projects?	Yes	
2.7	Are these purposes clear in privacy notices to individuals? (see above)	Yes	

3. Adequate, relevant and not excessive, data minimisation - GDPR Article 5(1)(c)

3.1	Is each category relevant and necessary for the project? Is there any data you could not use and still achieve the same goals?	All information collected is reasonable and necessary to carry out consultation for use in planning document consultations.	
Note: GDPR requires data to be “limited to what is necessary” for the purposes (as well as adequate and relevant).			

3.2	Is/can data be anonymised (or pseudonymised) for the project?	Consultation comments are redacted of personal data before they are published to anonymise the data.	
4. Accurate and up to date - GDPR Article 5(1)(d)			
4.1	What steps will be taken to ensure accurate data is recorded and used?	Citizens complete form. Citizens can contact team in order to rectify or modify any information given.	
For example: checks when receiving/sending information from/to third parties, or transcribing information from oral conversations or handwritten documents, any automatic checks on information not meeting certain criteria.			
4.2	Will regular checks be made to ensure project data is up to date?	Through every mail-out, ensuring data is up-to-date.	
5. Data retention - GDPR Article 5(1)(e)			
5.1	How long will personal data included within the project be retained?	Data will be retained until 3 months after the adoption of the Greater Nottingham Aligned Core Strategy.	
5.2	How will redundant data be identified and deleted in practice? Consider paper records, electronic records, equipment?	A mailout to all consultees in the database will be undertaken prior to the end of the retention period to inform individuals of the deletion of the database. At that point details of any replacement database will be communicated and the basis for storing new information set out.	
5.3	Can redundant data be easily separated from data which still need to be retained?	Yes	
6. Data subject rights - GDPR Articles 12 to 22			
6.1	Who are the relevant data subjects?	Pool of consultees	
6.2	Will data within the project be within the scope of the organisation`s subject access request procedure?	Yes	
6.3	Are there any limitations on access by data subjects?	No, subject to exemptions in Data Protection Act 2018.	
6.4	Is any data processing under the project likely to cause damage or distress to data subjects? How are notifications from	No	

	individuals in relation to damage and distress managed?		
6.5	Does the project involve any direct marketing to individuals? How are requests from data subjects not to receive direct marketing managed?	No	
6.6	Does the project involve any automated decision making? How are notifications from data subjects in relation to such decisions managed?	No	
6.7	How will other rights of data subjects be addressed? How will security breaches be managed?	These rights will be processed by the Information Compliance Team at Nottingham City Council. All breached will be dealt with by the Information Compliance team and the Data Protection Officer.	

7. Data Security - GDPR Articles 5(1)(f), 32

For example:

- **Technology:** encryption, anti-virus, network controls, backups, DR, intrusion detection;
- **Physical:** building security, clear desks, lock-leads, locked cabinets, confidential waste;
- **Organisational:** protocols on use of technology, asset registers, training for staff, pseudonymisation, regular testing of security measures.

Describe the source of risk and nature of potential impact on the individuals. Include associated compliance and corporate risks as necessary -What security measures and controls will be incorporated into or applied to the project to protect personal data? Consider those that apply throughout the organisation and those which will be specific to the project. N.B Measures that are appropriate to the nature of the data and the harm which may result from a security breach	Likelihood of harm	Severity of harm	Overall Risk
<p>Data subjects may not know how their data is being used.</p> <ul style="list-style-type: none"> • This would appear to be low risk due to detailed letter communicated to individuals and the 	Remote, Possible or Probable	Minimal, Significant or Severe	Low, Medium or High
	Remote	Minimal	Low

preparation of both joint and individual Privacy Notices. In addition, individuals need to fill in an e-form with their personal details in order to register on the database, this requires them to confirm that they have read both Privacy Notices.			
1. Data subjects may have their personal details revealed in published consultation comments	Possible	significant	Medium
2. Data may be accessed by unauthorised individuals and used unlawfully <ul style="list-style-type: none"> This is considered to be low risk as access to the database will be restricted due to a password login being required for people who wish to access the system. 	Remote	Minimal	Medium

Identify measures to Reduce Risk- Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk that you have identified

Risk	Options to reduce or eliminate risk	Effect on risk Eliminated/ Reduced or Accepted	Residual risk Low/Medium/High	Measures approved Yes/No
1. Data subjects may have their personal details revealed in published consultation comments	This is considered low risk as officers will redact any personal information, given in consultation comments, prior to publication.	Reduced	Low	Yes
2. Data may be accessed by unauthorised	This risk is mitigated as access to the database will be restricted due to			

individuals and used unlawfully	a password login being required for people who wish to access the system	Reduced	Low	Yes
8. Data processors - GDPR Article 28 & direct obligations in other articles				
8.1	Are any data processors involved in the project?	Inovem (product supplier) is the data processor. The processor is working for Gedling on behalf of the partnership.		
8.2	What security guarantees do you have?	IT signed off on database G-Cloud 11 Call-off contract		
For example: specific security standards or measures, reputation and reviews				
8.3	Please attach the processing agreement	Information Security Agreement		
For example: security terms, requirements to act on your instructions, regular audits or other ongoing guarantees Note: new requirements for the terms of contracts under the GDPR (much more detailed than current law).				
8.4	How will the contract and actions of the data processor be monitored and enforced?	Power to audit under the processing agreement.		
8.5	How will direct obligations of data processors be managed?	G-Cloud 11 Call-off contract sets out obligations and arrangements.		
Note: New direct obligations for processors under the GDPR, including security, data protection officer, record-keeping, international data transfers.				
For example: fair & lawful, lawful purpose, data subject aware, security, relevance.				

9. International data transfers - GDPR Articles 44 to 50			
9.1	Does the project involve any transfers of personal data outside the European Union or European Economic Area?	No	
9.2	What steps are taken to overcome the restrictions?	N/A	
For example: Safe Country, contractual measures, binding corporate rules, internal assessments of adequacy Note: GDPR has similar methods to overcome restrictions as under current law, but there are differences to the detail and less scope for an “own assessment” of adequacy.			
10. Exemptions			
10.1	Will any exemptions for specific types of processing and/or specific DP requirements be relied upon for the project?	No	
For example: crime prevention, national security, regulatory purposes Note: Exemptions under the GDPR to be assessed separately, and may be defined within additional EU or UK laws.			

6. Sign off and record outcomes

Item	Name	Date
Measures approved by: (project owner) This must be signed before the DP can sign off on the DPIA.		24 June 2020
Residual risks approved by: (If accepting any residual high risk, consult the ICO before going ahead)		24 June 2020
DPO advice provided: (DPO should advise on compliance, measures and whether processing can proceed)	Naomi Matthews	29/06/20
Summary of DPO advice: My advice has been adopted with respect to the privacy notice and there is no special data being requested although it is possible that a citizen will volunteer some special data which has been considered as above. I therefore advise that the privacy risks are low in this project.		
DPO advice accepted or overruled by	Accepted	If overruled, you must explain your reasons
Comments:		
IT Security Officer: Where there are IT security issues		
IT Officer comments:		
SIRO Sign off: (For major projects)	N/A	
Consultation responses reviewed by:	N/A	

This DPIA will be kept under review by:	Naomi Matthews	The DPO should also review ongoing compliance with DPIA
---	----------------	---