



DATA PROTECTION IMPACT ASSESSMENT – Nottinghamshire and Nottingham Waste Local Plan V1.1

Reference number: DPIA-148

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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.

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1. Document Control

1. Control Details

Author of DPIA:	Matthew Grant
Owner of project:	Matthew Grant/Matt Gregory/Karen Shaw
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2. Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved
1.1	To bring DPIA up to date with the next stage of the Waste Local Plan and required consultation.	Matthew Grant	23/5/2023	

3. Contributors/Reviewers

Name	Position	Date
Matthew Grant	Local Plans Manager	23/5/2023
Karen Shaw	Local Plans Manager	23/5/2023

4. Glossary of Terms

Term	Description
<i>All terms explained where relevant.</i>	

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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 (but unlikely)</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

<u>Project Title:</u> Nottinghamshire and Nottingham Waste Local Plan – Pre-Submission Plan	
<u>Team:</u> Planning Policy and Research Team	
<u>Directorate:</u> Development and Growth	
<u>DPIA Reference number:</u> DPIA-148	
<u>Has Consultation been carried out?</u> The City’s consultation database will be used to consult with for which they have confirmed that they wish to be consulted on all Local Plan documents – and have read our privacy notice .	
1. DDM attached? <i>Project cost is under £10k</i>	No
2. Written evidence of consultation carried out attached?	Yes
3. Project specification/ summary attached?	No
4. Any existing or previous contract / SLA / processing agreement attached? <i>Information Sharing Agreement being worked up County Council</i>	Yes
5. Any relevant tendering documents attached? <i>Consultation software has been purchased by Nottinghamshire County Council who will utilise this to input/deal with all consultation responses.</i>	No
6. Any other relevant documentation attached?	N/A

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>).		Nottingham City is working with Nottinghamshire County Council working on a statutory review of the joint Waste Local Plan.	The County is leading on the process including the majority of the consultations using their consultation database. The City however has its own consultation database where people have elected to go on to it by confirming that they have read our privacy notice.
	<p>Aims of project</p> <p>Explain broadly what the project aims to achieve and what types of processing it involves.</p>		To jointly collect planning consultee information for individuals interested in participating in the review of the Nottinghamshire and Nottingham Waste Local Plan.	<p>County use an existing consultation database/software which City will have access to. This has a log in process for individual officers so data can be protected 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</p>		Personal data held in the County's consultation database will be used to send email/postal mailouts to inform individuals the waste local plan review.		

	<p>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>Consultation comments on the waste local plan will also be stored in County's consultation database which City officers will have access and editing rights to.</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 County and City relevant officers). Whilst anyone can register with the software in order to make comments, only those with appropriate access (as set up JDI) can view the database (including personal comments and consultation comments received).</p> <p>Data sharing agreement is being prepared by Nottinghamshire County Council who have taken already purchased and run the consultation software.</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 County or city 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 software (JDI) purchased by County.</p>
	<p>New Purpose</p> <p>Does your project involve a new purpose for which personal data are used?</p>		<p>No</p>
	<p>Consultation</p>		<p>Yes</p> <p>Data Protection have been consulted.</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?			
	Will the project:	Expanding customer base; Technology which must be used by individuals; Hidden or complex uses of data; Children's data		
Individuals (data subjects)	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 notice 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 • Prosecutions • Medical data • Criminal data (Criminal data processing, i.e. criminal convictions, etc. also has		N	

	special safeguards under Article 10)			
	New identifiers, or consolidation or matching of data from multiple sources? (For example a unique reference number allocated by a new management system)		Y	
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>		N	
	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	Does the project involve monitoring or tracking of individuals or activities in which individuals are involved?		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?	<ul style="list-style-type: none"> • Data Protection Policy • Information Security Policy • Records Management Policy • Statement of Community Involvement (Local Plans) 	
2.3	<p>Are any changes/updates required to the organisation`s policies and procedures to take into account the project?</p> <p>Note: new requirements for “Accountability” under the GDPR, including record-keeping, DPOs and policies</p>	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 (these will be held by County).	
1.2	Who is/are the data controller(s) in relation to such processing activities?	Nottinghamshire County Council	
1.3	Who is/are the data processor in relations to such processing activities?	The product supplier (JDI)	
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 contract 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 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 individual authority Privacy Notices available.	
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 and required by legislation.	
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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 will be redacted of personal data before they are published to anonymise the data where necessary.	
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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. The Council could also ask citizens to clarify any comments that are unclear.	
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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. If there are bounce backs then these will be followed up.	
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 Waste Local Plan.	
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?	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 individuals in relation to damage and distress managed?	No	
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	No	

	from data subjects in relation to such decisions managed?		
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. In the unlikely of any breached consultation with the Information Compliance team and the Data Protection Officer will take place immediately and agreed course of active be carried out.	

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 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. 	Remote, Possible or Probable	Minimal, Significant or Severe	Low
<p>Data subjects may have their personal details revealed in published consultation comments</p>			Low

<ul style="list-style-type: none"> This is considered low risk as officers will redact any personal information, given in consultation comments, prior to publication. 				
Data may be accessed by unauthorised individuals and used unlawfully		Remote	Minimal	Low
<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. 				
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
There could be a breach of security and someone could hack the system to gain access to the personal information that is held in the consultation software.	Ensure secure passwords are used.	This reduces the risk significantly.	Low	Yes
8. Data processors - GDPR Article 28 & direct obligations in other articles				
8.1	Are any data processors involved in the project?	JDI – County’s purchased software		
8.2	What security guarantees do you have?	County’s agreement with JDI		
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 –by County	
8.5	How will direct obligations of data processors be managed?	Via the online software.	
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.	Matthew Grant  Principal Policy Planner	23 May 2023
Residual risks approved by: (If accepting any residual high risk, consult the ICO before going ahead)	Matt Gregory Head of Planning Strategy and Building Control 	23 May 2023
DPO advice provided: (DPO should advise on compliance, measures and whether processing can proceed)	Naomi Matthews	22 January 21 XXX
Summary of DPO advice :I have assessed this project and it is low to medium risk.		
DPO advice accepted or overruled by	Accepted	If overruled, you must explain your reasons
Comments:		
IT Security Officer: Where there are IT security issues	n/a	
IT Officer comments:		
SIRO Sign off: (For major projects)	n/a	
Consultation responses reviewed by:		
This DPIA will be kept under review by:	Matthew Grant/Matt Gregory	The DPO should also review ongoing compliance with DPIA