

DATA PROTECTION IMPACT ASSESSMENT - Sutton House – Proposal to decommission V1.0

Reference number: DPIA-523

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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

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2. Document Amendment Record

Issue	Amendment Detail	Author	Date	Approved

3. Contributors/Reviewers

Name	Position	Date
Antony Dixon	Head of Supported Housing	6/11/23
Catherine Stocks	Head of Housing Options	6/11/23

4. Glossary of Terms

Term	Description
<i>IL</i>	Independent Living

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 Email: jeremy.lyncook@nottinghamcity.gov.uk

2. Screening Questions

1. Does the project involve personal data? Yes	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.
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?	Yes/No
2. Does the processing involve any systematic or extensive profiling?	Yes/No
3. Does the project involve processing children's data or other vulnerable citizen's data?	Yes/No
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?	Yes/No
5. Does the processing involve the use of innovative or new technology or the novel application of existing technologies?	Yes/No
6. Does this project involve processing personal data that could result in a risk of physical harm in the event of a security breach?	Yes/No
7. Does the processing combine, compare or match data from multiple sources?	Yes/No
8. Does the project involve processing personal data without providing a privacy notice?	Yes/No
9. Does this project process data in a way that tracks on line or off line location or behaviour?	Yes/No
10. Will the project involve using data in a way it has not been used before?	Yes/No
11. Does the project involve processing personal data on a larger scale?	Yes/No
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?	Yes/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.	

Project Title: Sutton House

Team: Housing & Regeneration

Directorate: Development

DPIA Reference number: *(This will be allocated by the Information Compliance Team or the DPO and must be quoted in all correspondence)*

Has Consultation been carried out?

Yes, a 28 day consultation period has been held with the current tenants of Sutton House. All were provided with a questionnaire asking their views on the proposal to decommission and the impact this would have on them.

1. DDM attached?	No is subject of an Exec Board Report Dec 23
2. Written evidence of consultation carried out attached?	Yes
3. Project specification/ summary attached?	No, info about the proposals are set out in the Exec Board Report – December 23
4. Any existing or previous contract / SLA / processing agreement attached?	No
5. Any relevant tendering documents attached?	No
6. Any other relevant documentation attached?	Lettings Data Flow Map includes reference to relocation & decant.

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>).		Decommissioning of Sutton House which is currently used as Independent Living (IL) accommodation and the conversion for use as Temporary Accommodation (TA) for homeless families.	
	<p>Aims of project</p> <p>Explain broadly what the project aims to achieve and what types of processing it involves.</p>		The decommissioning of Sutton House will involve the relocation of the current tenants which will involve information being gathered in order to ascertain their preference to location of alternative IL accommodation and ensure the move is suitable to their needs.	
	<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>The proposal is to decommission Sutton House from its current use as Independent Living (IL) accommodation and convert the building for use as temporary accommodation for homeless families. Should the decision be approved, the project will have two stages. The first stage is the decommissioning of Sutton House which will involve the relocation of the current tenants who are aged 55+ to alternative Independent Living accommodation in the city.</p> <p>This information will be obtained by NCC Housing Management services, Tenant Relocation team. The information will be collected by face-to-face meetings with each tenant in their home. The information will be recorded on the NCC housing management system and sharepoint. The information will only be accessible by Housing Management staff. and will be managed in compliance with the NCC's information management policies and procedures (including data protection, information security, electronic communications)</p>	

			The second stage is the refurbishment of the building, which will then be leased to an RP to manage for use as temporary accommodation for homeless families. Any information obtained through the course of delivering this will be managed by the RP who will be selected through a compliant call off from the Council's framework of Homelessness provision, which has been subjected to it's own DPIA. (DPIA -483)
	<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>		All information obtained will only be used to help relocate the 29 tenants currently living at Sutton house to suitable alternative Independent Living accommodation in the city. The information will be limited for internal use and will be kept secure by housing management services in accordance with GDPR regulations
	<p>New Purpose</p> <p>Does your project involve a new purpose for which personal data are used?</p>		No, the use of personal data to relocate tenants to alternative suitable accommodation is not a new purpose
	<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>		A 28 day consultation period has been held with the tenants of Sutton House about the decommissioning proposal This was in the form of questionnaires being distributed and 2 consultation events held at Sutton House. Should the proposal be approved further consultation in the form of home visits, to discuss individual preferences/requirements will be carried out. Any information obtained will be held by the Relocation team and shared within the Independent Living team.
	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)?			No
	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?			No
	Affect particularly vulnerable individuals, including children?			Children are not involved in the project but Independent Living accommodation is specifically for people aged over 55, and therefore tenants are older persons and some do have disability and mobility issues.
	Give rise to a risk that individuals may not know or understand how their data are being used?			No – the relocation team will explain the reason for requiring information.
Parties	Does the project involve:	Outsources service providers; Business partners; Joint ventures		
	The disclosure of personal data to new parties?			No
	The involvement of sharing of personal data between multiple parties?			No
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?			no
	<p>Use of any special or privacy-intrusive data involved?</p> <ul style="list-style-type: none"> • Political opinions (no) • Religious beliefs or philosophical beliefs (no) • Trade union membership (no) • Genetic data no • Biometric data no • Sexual life no • Prosecutions no • Medical data yes • Criminal data yes <p>(Criminal data processing, i.e. criminal convictions, etc. also has special safeguards under Article 10)</p>			<p>In order to help identify suitable alternative IL accommodation, residents may wish to share information relating to any disability or mobility issues.</p> <p>Any criminal data already held will be taken into consideration when identifying appropriate new accommodation, as with any tenant who needs or requests to move. As per Lettings process and data flow map.</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>			no
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?			no

Data quality, scale and storage	Data:	New data		
	<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>			no
	Does the project involve processing data on an unusually large scale?			no
Monitoring, personal intrusion	Monitoring:	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		
	Does the project involve monitoring or tracking of individuals or activities in which individuals are involved?			no
	Does the project involve any intrusion of the person?			no
Data transfers	Transfers	Transfers outside the EEA		
	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?			<p>no</p> <p>(Is any information held on the cloud? If so check where it is held)</p>

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 • UK General Data Protection Regulation • 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?	Care Act 2014 Localism Act 2011 (Section 1)	
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	
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?	Staff already complete GDPR awareness and inform security awareness courses	

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?	Relocation of tenants to identify alternative Independent Living accommodation to meet their needs	
1.2	Who is/are the data controller(s) in relation to such processing activities?	Nottingham City Council	
1.3	Who is/are the data processor in relations to such processing activities?	Relocation Team, Housing Management Services, Nottingham City Council	
2. Fair and Lawful processing - GDPR Articles 5(1)(a), 6, 9, 12, 13			
2.1	<p>Which fair processing conditions are you relying on?</p> <p>GDPR: Article 6(1) (legal basis for processing) and, for sensitive personal data, Article 9(2).</p>	<p>6(1). Choose at least one of the following for personal data, usually (e)-(Cross out the rest)</p> <ul style="list-style-type: none"> a) Consent b) Performance of contract c) Legal obligation d) Vital interests e) Public interest / exercise of Authority <p>9(2) Choose at least 1 for special data- usually g (cross the rest out)</p> <ul style="list-style-type: none"> a) Explicit consent b) Employment / social security / social protection obligations c) Vital interests d) <u>Non-profit bodies</u> e) Processing made public by data subject f) Legal claims g) Substantial public interest 	

- h) Health, social care, medicine
- l) Public interest for public health
- j) Archiving, statistics, historical research

For any criminal Data

Comply with Article 10 if it meets a condition in Part 1, 2 or 3 of Schedule 1.

- Employment, social security and social protection
- Health and social care purposes
- Public health
- Research

Substantial public interest:

- Statutory and government purposes
- Equality of opportunity and treatment
- Racial and ethnic diversity at senior levels of organisations
- Preventing or detecting Unlawful Acts
- Protecting the public against dishonesty etc
- Regulatory requirements relating to unlawful acts and dishonesty etc
- Journalism etc in connection with unlawful acts and dishonesty etc
- Preventing fraud
- Suspicion of terrorist financing or money laundering
- Counselling
- Safeguarding of children and of individuals at risk
- Safeguarding of economic well-being of certain individuals
- Insurance
- Occupational pensions
- Political parties processing

		<ul style="list-style-type: none"> • Disclosure to elected representatives • Informing elected representatives about prisoners <p>Additional Conditions</p> <ul style="list-style-type: none"> • Consent • Vital interests • Personal data in the public domain • Legal claims • Judicial Acts 	
<p>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.</p>			
2.2	How will any consents be evidenced and how will requests to withdraw consent be managed?	NCC is not relying on consent as a basis of processing data for the management of relocation of tenants as this is already in place given they are existing tenants	
<p>Note: new requirements for obtaining and managing consents within the GDPR.</p>			
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)?	This information is covered by an existing privacy notice and no new communication is needed.	
<p>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</p>			
2.4	If data is collected from a third party, are any data protection arrangements made with such third party?	n/a	
2.5	Is there a risk of anyone being misled or deceived?	no	
2.6	Is the processing “fair” and proportionate to the need’s and aims of the projects?	yes	

2.7	Are these purposes clear in privacy notices to individuals? (see above)	Yes	
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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?	Yes	
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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?	no	
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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?	Each tenant will be interviewed so as to ensure information is up to date.	
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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?	The information obtained will only be used to inform the relocation of the tenant.	
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5. Data retention - GDPR Article 5(1)(e)

5.1	How long will personal data included within the project be retained?	In accordance with the guidelines	
5.2	How will redundant data be identified and deleted in practice? Consider paper records, electronic records, equipment?	No paper retained, stored in sharepoint/Serengeti by year.	
5.3	Can redundant data be easily separated from data which still need to be retained?	Yes, based on date saved	

6. Data subject rights - GDPR Articles 12 to 22

6.1	Who are the relevant data subjects?	Current tenants of Sutton House	
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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	
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, however any notifications received will be handled by the service and info compliance under the council`s information rights mechanisms,	
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 breaches 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	Likelihood of harm Remote, Possible or Probable	Severity of harm Minimal, Significant or Severe	Overall Risk Low, Medium or High
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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			
1. Collection of feedback from current tenants could result in paper records being created which are then lost or inappropriately accessed	Possible	Severe	High
2. New supplier of accommodation at Sutton House is procured without having appropriate data processing or sharing terms in place	Possible	Significant	Medium
3. Tenants being relocated are sent to private providers of accommodation, and their personal data transferred without lawful basis, insecurely or other data protection legal requirements necessary	Possible	Significant	Medium
4. Risk of citizen hard copy records or IT equipment being left in building before works take place, potentially resulting in serious data breach	Remote	Severe	Medium
5. CCTV at the building does not have appropriate DPIA and measures in place such as privacy notices	Remote	Severe	

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. Collection of feedback from current tenants could result in paper records being	Advice is that electronic records of meetings should have made to reduce risk (<i>Sam</i>	Eliminated – as retrospective	Low	

created which are then lost or inappropriately accessed	<i>Williams has advised the consultation exercise has already happened.)</i>			
2. New supplier of accommodation at Sutton House is procured without having appropriate data processing or sharing terms in place	Supplier will be called off existing Framework which has already has a DPIA and advice has been given that an ISA must be signed	Eliminated	N/A - Low	
3. Tenants being relocated are sent to private providers of accommodation, and their personal data transferred without lawful basis, insecurely or other data protection legal requirements necessary	No external providers of accommodation will be used, all tenants will be sent to will be Council-run accommodation so no external transfer of data will take place	Eliminated	N/A - Low	
4. Risk of citizen hard copy records or IT equipment being left in building before works take place, potentially resulting in serious data breach	Antony Dixon has confirmed that no paper records are kept at Sutton House. There are no computers	Eliminated	Low	
5. CCTV at the building does not have appropriate DPIA and	Housing Services to ensure that CCTV has a DPIA in place	Reduced	Low	

measures in place such as privacy notices				
8. Data processors - GDPR Article 28 & direct obligations in other articles				
8.1	Are any data processors involved in the project?	No		
8.2	What security guarantees do you have?	NA		
For example: specific security standards or measures, reputation and reviews				
8.3	Please attach the processing agreement	NA		
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?	NA		
8.5	How will direct obligations of data processors be managed?	NA		
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?	NA		
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	
<p>For example: crime prevention, national security, regulatory purposes</p> <p>Note: Exemptions under the GDPR to be assessed separately, and may be defined within additional EU or UK laws.</p>			

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.	M.Lowe	4/12/2023
Residual risks approved by: (If accepting any residual high risk, consult the ICO before going ahead)	M.Lowe	4/12/2023
DPO advice provided: (DPO should advise on compliance, measures and whether processing can proceed)	T.Pollard	01/12/2023
Summary of DPO advice: I have advised on and written the risks after speaking with Debra. The residual risks are either eliminated or lower. Further instructions on the CCTV are needed.		
DPO advice accepted or overruled by		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)		
Consultation responses reviewed by:		
This DPIA will be kept under review by:		The DPO should also review ongoing compliance with DPIA