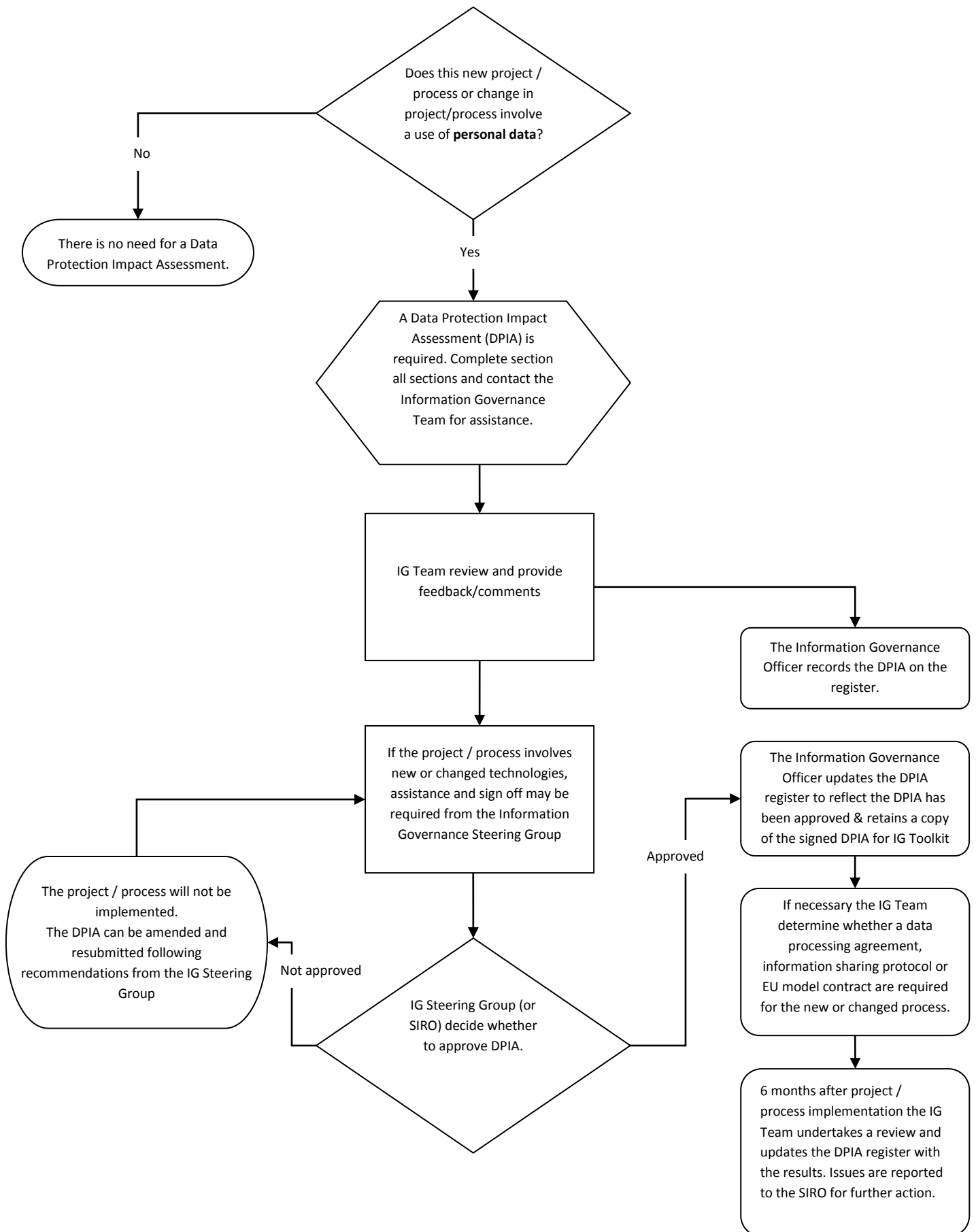


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DATA PROTECTION IMPACT ASSESSMENT DOCUMENT

Data Protection Impact Assessment Flowchart



Data Protection Impact Assessment

This document must be completed for any new project/process or change in current process which will either involve a new use of personal data or will significantly change the way in which personal data is handled. It must be completed as soon as the new process or change in process is identified by the Project Manager or Information Asset Owner.

Data Protection Impact Assessments are a Legal requirement of the General Data Protection Regulations 2016. They are designed to ensure that organisational accountability under article 5 (2) is assured and the security and confidentiality of personal identifiable data is maintained for any new process or change in process that has an impact on the rights of individuals or the processing conditions under GDPR.

Privacy Law compliance and GDPR assurance checks are part of the DPIA process which assesses any potential risks or impacts on processing activities.

Please complete Section A with as much detail as possible and contact the Information Governance Team for further guidance or assistance in completing Section B.

Section A – Details of new or changes project/process

Project name:	Recommissioning of the Integrated Community Equipment Service (ICES)
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Project outcome / objectives:

'To recommission a joint health and local authority statutory service which provides community equipment to residents with an eligible and assessed need.'

The Integrated Community Equipment Service (ICES) is a statutory service provided to support people with assessed health and social care needs. An efficient service is an essential part of the support in place to facilitate discharge from hospital, and enable people to remain in their own homes for as long as possible. The updated objectives for the service also reflect changing expectations of customers and their carers, and so encompass include;

- A sustainable, efficient and effective service available delivery
- A single point of contact
- Maintain independence and support individual outcomes through enabling support at home
- Prevention of avoidable hospital admissions or care home placements
- Supporting safe and timely hospital discharge
- Supporting carers to continue safely in their caring role
- Maximising recycling and reuse of equipment
- Value for money for commissioners and people funding their own equipment

The service is a joint health and social care service delivered via a Section 75 agreement, with the council acting as lead commissioner. The Section 75 legal provision enables the pooling of resources between clinical commissioning groups and local authorities as well as the delegation of health related functions. The CCG currently funds 65% of the costs and the remaining 35% is met by the council. A recent review of activity and cost has confirmed that the funding split continues to reflect the balance of health and social care provision.

Following a competitive tendering process in 2013, the service was outsourced from the council for the first time in April 2014 as a spot purchase contract to Nottingham Rehabilitation Service Ltd. 2019/20 is the final year of the contract period with no further opportunity for extension.

The service currently includes standard community equipment including "telecare" or assistive technology and is based at Rotherwas in Hereford. The council leases the whole building and the provider has a license to operate in part of the building. The relevant footprint will be available to prospective providers for the new service.

The service comprises the following main elements;

- Sourcing and supply of equipment
- Storage facility
- Cleaning
- Delivery
- Maintenance and repairs
- Collection
- Logistics for recording data and scheduling activities

Background: Why is the new process or change in process required?	The service is being recommissioned as the original contract will conclude on 31 March 2020. There will be limited change in processes as all providers operate on a similar online ordering and logistics system. The provider will hold all relevant data from the current contract and then ongoing for the lifetime of the new contract. Commissioners will also have access to this information which includes personal details such as name, address, DOB, etc
Benefits:	Personal data is required in order to undertake the activity of the contract. Prescribing practitioners have to complete orders for individuals which include personal details for both practical arrangements for delivery and installation of equipment, plus special requirements that an individual may have. Personal details such as DOB are also important for trend analysis by commissioners. Data must be retained and transferred to any new provider for long term loans of equipment which require ongoing maintenance and services whilst they are on loan. It is also important to retain a record of loans in case there are equipment faults and product recalls.
Project Manager:	Name: Lisa Bedford Title: Senior Commissioning Officer Division and Department: Community commissioning and resources – Adults and communities Contact details: lisa.bedford@herefordshire.gov.uk 07792882050
Information Asset Owner:	Name: Ewen Archibald Title: Head of Community Commissioning and resources Division and Department: Community commissioning and resources – Adults and communities Contact details: ewen.archibald@herefordshire.gov.uk 01432 261970

Section B: Data Protection Impact Assessment Questions

<u>Question</u>	<u>Response</u>
Will the new (or amended) process contain personal identifiable data? If you answered 'no' you do not need to complete any further information as a	☐ No ☒ Service Users ☐ Staff ☐ Other (specify)

DPIA is not required.	
Please state the purpose of the data collection:	Personal data is required in order to undertake the activity of the contract. Prescribing practitioners have to complete orders for individuals which include personal details for both practical arrangements for delivery and installation of equipment and also, plus special requirements that an individual may have. Personal details such as age are also important for trend analysis by commissioners. Data must be retained for long term loans of equipment which require ongoing maintenance and services whilst they are on loan. It is also important to retain a record of loans in case there are equipment faults and product recalls.
Please tick the data items that are held in the system or involved in the process	Personal ☒ Name ☒ Address ☒ Post code ☒ Date of birth ☒ Next of kin ☒ Sex ☒ NHS number ☐ National Insurance number ☐ GP ☐ Other local identifier Special ☐ Sexual Orientation ☐ Genetic/Biometrics ☐ Religion ☒ Physical or Mental Health ☐ Ethnic Origin ☐ Union membership ☐ Political Opinions Other (state) Prescribing equipment is currently categorised upon ordering to assist in the analysis of data. Currently these categories include: Admission avoidance, long term condition, prevention, palliative, paediatric, assistive technology, end of life care, sensory impairment, short term condition, continuing care, facilitating discharge. There is also a section to identify client group. Currently the options are; older people, learning disability, physical disability, mental health and dementia. We anticipate this to be very similar in the new service.
Does the project involve using existing personal data for new purposes (e.g. handling a significant amount of new data about each person), collecting new personal identifiers, (e.g. new fields like ethnic origin) or collecting data about a large number of people?	☐ Yes ☒ No If yes, please give details:

Does the project / process involve new or substantially changed identity authentication requirements that may be intrusive or onerous? Such as biometrics, digital signatures.	☐ Yes ☒ No If yes, please give details:
Have you ensured that the information you are collecting is adequate and relevant?	☒ Yes ☐ No If yes, please give details: The details to be kept have been reviewed with senior clinicians. It is proposed to remove the need to complete the field for ethnicity but instead as a question in relation to preferred method of communication or ask if there are any communication needs which is more important to the delivery of the service. Prescribing practitioners will be collecting more detailed information about service users at the point of initial contact and assessment for equipment and data such as ethnicity will be collected at this stage.
Is a third party supplying the new system or process? Has the third party / supplier of the system registered with the Information Commissioner? What is their registration number? (this is available at www.ico.gov.uk) Has a supplier security assessment been completed and sent to the IG Team? This is available on the intranet.	☒ Yes ☐ No ☒ Yes ☐ No This will be a condition of the specification and included in the contract. ICO Registration Number: To be updated after commissioning exercise. Current provider number is Z9286493 ☐ Yes ☒ No Will be completed during the mobilisation phase.
Have you established which article 6 conditions (legal basis) for processing apply? (the conditions can be found here)	All conditions listed below could apply to this service : (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose. (b) Necessary for the performance of a contract with the data subject or to take steps preparatory to such a contract (c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations). (d) Vital interests: the processing is necessary to protect someone's life.
If special category data is involved have you established which article 9 conditions (legal basis) for processing apply? (The conditions can be found here)	The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by

	the data subject; Processing is necessary for reasons of substantial public interest Currently ethnicity is included but proposed removal in new contract. Some health related data is recorded as outlined above in terms of the categories use to identify the reason why equipment is being provided.
Who provides the information?	☐ Data Subject ☒ Staff ☐ Others please specify
If you are relying on consent to process personal data, how will this be obtained and recorded?	Consent is gained at the point of initial contact or referral with the prescribing practitioners at Herefordshire Council, Wye Valley Trust and other organisation that can prescribe equipment through the service.
Do you have a Privacy Notice that covers the collection and processing of this data?	☒ Yes ☐ No If yes, please attach a copy.  privacy_notice_for_ad ults_wellbeing.pdf  privacy-notice-2018- v2.pdf https://www.herefordshireccg.nhs.uk/who-we-are/herfordshire-ccg-privacy-notice https://www.2gether.nhs.uk/privacy-notice/
Do you need to validate the age of the data subject and if so how will this be done?	No
Have you checked and confirmed the data subject has capacity to give Consent?	Yes, this will be undertaken by the prescribing practitioners before any equipment is ordered.
If the data subject withdraws their consent how will this be actioned and recorded.	This will be actioned by the prescribing practitioner who will communication via email and use the unique reference number rather than personal details in any correspondence.
How will the information be kept up to date? How will personal data be checked for accuracy and completeness?	It is the responsibility of the prescribing practitioners to keep records for service users up to date. Service users or their carers can contact the provider independently to inform them to changes such as; house move, telephone number, service user deceased.
Who will have access to the Information?	All prescribing practitioners that have completed training and been issued a PIN number can access all records on the system to ensure that the service is operated as efficiently as possible.
Do you intend to send direct marketing messages by electronic means? This	☐ Yes ☒ No

includes both live and pre-recorded telephone calls, fax, email, text message and picture (including video)?	If yes, please give details:
Are there procedures in place for an individual's request to prevent processing for purposes of direct marketing?	☐ Yes ☐ No ☒ N/A If yes, please give details:
Are any decisions made by automated decision making processes with this System / project? If yes, how do you notify individuals?	☐ Yes ☒ No If yes, please give details of the types of decision and how individuals are notified: Orders will not be processed unless the order forms are completed to the standard required. Any correspondence in relation to orders not being processed, or cancelled, will be communicated via email to the prescribing practitioner with no personal details contained in the email, only an order reference number.
Is there an audit trail in place for the system to identify who has amended a record? Is there an audit trial to identify who has accessed a record?	☒ Yes ☐ No If yes, please give details: All new and changes to client records are audited and recorded in the database. This includes the unique identifier for the user, the date and time of the change and 'from' and 'to' values for the amended data. GDPR compliance to be built in to specification and contract. ☐ Yes ☒ No If yes, please give details:
What training and/or guidance is in place to ensure that staff know how to operate the system securely?	Online training is undertaken by all staff prior to being able to access the system. This will remain in the new contract.
Do you think this processing of personal / sensitive data will cause any unwarranted damage or distress to the individuals concerned?	☐ Yes ☒ No If yes, please give details:
What procedures are in place for acting upon a request to erase a record?	As commissioners, we can ask for any data to be archived at any point from the operating system so it will only be accessible by the supplier's data controller. Data can be erased at the commissioners request as long as no serviceable equipment remains on loan in the service users

	home.
Does the project / process involve changing the medium for disclosure for publicly available information in such a way that data becomes more readily accessible than before?	☐ Yes ☒ No If yes, please give details:
What are the retention periods for this data and are these documented?	Records are retained for the life of the contract (or as per contractual terms) following which they are surrendered to the incoming provider. Paper copies are kept for 6 years unless scanned when the timescale is agreed with the commissioner. All electronic contract data is surrendered at the end of the contract and all files deleted unless they are required to fulfil a statutory obligation.
How will the data be destroyed after it is no longer required?	Digital copies are wiped when the hardware is to be reused or wiped and the storage media (eg hard drives) are destroyed onsite by a confidential waste company. Any hard copies are destroyed on site via a confidential waste company.
Will the data be shared with any other parties? Include any external organisations. Also include how the data will be sent/accessed and secured.	☒ Yes ☐ No If the service provider changes through the recommissioning exercise, the agreed data transfer will be undertaken via a secure server.
Is an information sharing agreement/protocol or data processing agreement in place? If No Contact the IG Team for further information	☐ Yes ☒ No Only the standard clauses in the contract and specification from 2014. To be revised in the new specification and contract.
Does the project / process involve new linkage of personal data with data in other collections, or significant changes in data linkages?	☒ Yes ☐ No If yes, please give details: A future development would include the linkage of the system with Mosaic, but this is not happening in the near future.
Will any information be sent off site?	☐ Yes ☒ No If yes, please give details of where it is being sent to:
Please state by which method the information will be transported	☐ Email (is this via a secure network?) ☐ Yes ☐ No ☒ Website ☐ By hand ☐ By courier ☐ By post – internal ☐ By post - external ☐ By telephone ☒ Other – please state All data is accessed via a secure online portal.

What secure arrangements are in place for the information whilst in transit? i.e. secure lockable cases, password protection or encryption for email	NA
Are you transferring any personal and/or sensitive data to a country or countries outside of the EEA?	☐ Yes ☒ No If yes, please list the country or countries:
Please specify what types of data will be transferred to the non EEA country or countries?	NA
Are measures in place to mitigate risks and ensure an adequate level of security when the data is transferred to this country or countries? If 'yes' please specify those measures	☐ Yes ☐ No ☒ N/A
Have you checked whether the non EEA country has an adequate level of protection for data security?	☐ Yes ☐ No ☒ N/A
Is there an EU model contract in place to cover this process? Contact the IG Team for further information	☐ Yes ☐ No ☒ N/A
Have the information risks been assessed for the system / process and been reported to the Information Asset Owner? Please provide copies of any risk assessments undertaken.	☐ Yes ☒ No The business continuity plan is currently being considered internally.
Is there a contingency plan / business continuity plan or backup policy in place to manage the effect of an unforeseen event? Please provide evidence of this	☒ Yes ☐ No i. 2 separate internet providers (load balanced) ii. Full climate control systems iii. Gas suppression iv. Substantial UPS v. Separate generator Should all of this fail there is a full data recovery suite at an alternative site. Data is currently backed up fully once a day with incremental backups taking place every 15 minutes. Full transactional replication is being implemented over the coming 18 months.

Describe what procedures are in place to recover data (electronic and paper) which may be damaged through: • Human error • Computer virus or network failure • Theft • Fire or flood • Other disaster	○ Human error – Electronic records can be recovered from backups, paper records are rarely relied on with the documentation usually scanned ○ Computer virus or network failure - Electronic records can be recovered from backups ○ Theft – ISPOL 01 - Information Security Incident Handling Policy of the supplier identifies what steps to take who to report it to ○ Fire or flood - Electronic records can be recovered from backups, paper records are rarely relied on with the documentation usually scanned ○ Other disaster - Electronic records can be recovered from backups, paper records are rarely relied on with the documentation usually scanned

Approval

<u>Name</u>	
<u>Job Title</u>	
<u>Date</u>	
<u>IG Steering Group</u>	

Appendix A

Article 6 conditions

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

Article 9 conditions

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) 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 in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) 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 and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

