

**Appendix E – Data Privacy Impact Assessment**

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|-----------------------|--|
| <i>Classification</i> | <b>Official</b>                            |
| <i>Distribution</i>   | <b>Internal</b>                            |
| <i>Status</i>         | <b>Issued</b>                              |
| <i>Filename</i>       | <b>DPIA Domestic Abuse Support Service</b> |
| <i>Version</i>        | <b>1.0</b>                                 |
| <i>Date</i>           | <b>14/09/2018</b>                          |

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**DATA PRIVACY IMPACT ASSESSMENT DOCUMENT**

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## **Screening Questions**

These questions are intended to help you decide whether a DPIA is necessary. Answering 'yes' to any of these questions is an indication that a DPIA would be a useful exercise. You can expand on your answers as the project develops if you need to.

| Question   | Response  |
|--|---|
| Will the project involve the collection of new information about individuals?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Will the project compel individuals to provide information about themselves?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Will the project require you to contact individuals in ways  |   |

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that they may find intrusive?

Yes

No

## **Data Privacy Impact Assessment**

The template follows the process that is used in the ICO's PIA code of practice.

### **Step One - Identify the need for a DPIA**

Explain what the project aims to achieve, what the benefits will be to the organisation, to individuals and to other parties. You may find it helpful to link to other relevant documents related to the project, for example a project proposal. Also summarise why the need for a PIA was identified (this can draw on your answers to the screening questions).

#### **Aims**

The risks to those experiencing domestic abuse are well-recognised. On average approximately seven women and two men are killed by their current or former partner every month in England and Wales. Domestic abuse is estimated to cost the UK £16 billion (Walby, 2009). In Herefordshire, there was estimated to be 5,900 people affected by domestic abuse in 2017 alone.

A specialist services for victims and their children who seek support is vital to minimise harm and maximise positive outcomes, focussed on safety, building resilience and empowerment. A commissioned service is required which provides a single place to contact, understands the risks and challenges faced by victims and assists them to locate the right services and information to meet their needs.

Prevention, early intervention and co-ordination of support is key to prevent the risk and level of need from escalating and ultimately costing more to organisations across the system. Therefore information sharing with consent from the victim is key to delivering this service in order to sure organisations are connecting in the most effective way to benefit the victim. In some cases (where and adult or child is at risk of harm and safeguarding applies), information may be shared without the victim's consent.

#### **The Need for a Privacy Impact Assessment**

It is by exception where victim's information will be shared with or gathered from other organisations without the victim's consent, and only in cases where safeguarding may apply in order to reduce the likelihood of an adult of child experiencing significant harm. However, there is a chance that a person (service user's) privacy will be impacted under such circumstances and hence why this DPIA is required.

### **Step Two – Describe the Information Flows**

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You should describe the collection, use and deletion of personal data here and it may also be useful to refer to a flow diagram or another way of data flows. You should also state how many individuals are likely to be affected by the project.

Information will be collected in the first instance from the person contacting the domestic abuse support service in order to provide triage which includes establishing the risks and their needs. It will be explained to each service user how their information will be used, including who it will be shared with and why information from other organisations might be gathered. This will enable the service user to provide informed consent to information sharing.

The circumstances under which the domestic abuse support service may share their personal information with other organisations will also be made clear to the service user.

The domestic abuse support service will have information sharing agreements in place with partner organisations, such as adults and children's social care and the police to ensure information shared is necessary, proportionate and exchanged securely.

Data from the current provider of the Herefordshire domestic abuse support service may give a sense of the number of service users affected by the newly commissioned service.

|   | 16/17   | 17/18 |
|---|---------|-------|
| Number of referrals to the DASS           | 970     | 1294  |
| Number of calls to Herefordshire Helpline | 5387    | 3877  |
| No of online referrals                    | No data | 752   |

### **Step Three – Identify the Privacy and related risks**

#### **Principle 1 – Information shall be processed fairly, lawfully and in a transparent manner**

| <b>Privacy issue</b>   | <b>Comments</b>  |
|--|--|
| Have you identified the purpose of the project?  | Yes – see above under aims   |
| How will you tell individuals about the use of their personal data?  | The commissioned service will explain how their personal data will be used/shared, including why and which personal information may be gathered about them from other organisations, |
| Do you have a Privacy Notice in place to cover the processing of this data?<br>If so does it need to be updated? | The commissioned service must provide a current privacy notice to all service users.   |
| Please tick the data items   |  |

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|---|---|---|
| <p>collected.</p> <p style="text-align: center;">Personal</p> <p style="text-align: center;">Sensitive</p>                        | <p><input checked="" type="checkbox"/> Name</p> <p><input checked="" type="checkbox"/> Date of Birth</p> <p><input checked="" type="checkbox"/> Address</p> <p><input checked="" type="checkbox"/> Post Code</p> <p><input checked="" type="checkbox"/> Sexual Orientation</p> <p><input checked="" type="checkbox"/> Religion</p> <p><input checked="" type="checkbox"/> Ethnic Origin</p> <p><input type="checkbox"/> Genetic / Biometric</p> <p>Information about their children</p>   | <p><input checked="" type="checkbox"/> Next of Kin</p> <p><input checked="" type="checkbox"/> Sex</p> <p><input type="checkbox"/> National Insurance Number</p> <p><input type="checkbox"/> Political Opinions</p> <p><input checked="" type="checkbox"/> Physical or Mental Health</p> <p><input type="checkbox"/> Union Membership</p> <p>Other (please state):</p> |
| <p>Who provides the information?</p>  | <p>The service user/victim</p>  |   |
| <p>Have you established which schedule 2 conditions for processing apply? (The conditions can be found <a href="#">here</a>.)</p> | <p><b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> <p><b>Vital interests:</b> the processing is necessary to protect someone's life.</p> <p><b>Public task:</b> (in respect of the Council only, not the commissioned service) the processing is necessary to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. Specifically data monitoring to ensure the Council and any commissioned service is accessible to all members of the community, including those with protected characteristics as defined by the Equality Act 2010.</p> |   |

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| <p>If sensitive personal data is involved, have you established which schedule 3 conditions for processing apply? (The conditions can be found <a href="#">here</a>.)</p> | <p>The domestic abuse support service user will provide explicit consent to the processing of their personal data for one or more specified purposes.</p> <p>Processing of data will be necessary to protect the vital interests of the service user, or of another service user where they are legally incapable of giving consent (children of the service user or any adult for which they provide care who lacks mental capacity to provide consent)</p> <p>The processing of the data is also necessary for:</p> <ul style="list-style-type: none"><li>• Informing the provision of health or social care</li><li>• Achieving purposes in the public interest</li><li>• Achieving statistical purposes.</li></ul> <p>Data gathered 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 service user.</p> |
| <p>If you are relying on consent to process personal data, how will this be collected and recorded?</p>   | <p>Signed consent will be obtained from the service user and recorded on their file.</p>   |
| <p>Do you need to validate the age of the data subject and if so how will this be done?</p>   | <p>No</p>  |
| <p>Have you checked and confirmed that the data subject has capacity to give consent?</p>   | <p>Any doubts about the capacity for a service user to give consent will be raised with adult social care for further advice.</p>  |

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**Principle 2 – Information shall be collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with the original purpose**

| <b>Privacy issue</b>  | <b>Comments</b>  |
|---|--|
| Please state the purpose for the processing of the data:<br><i>for example research, audit, service provision</i> | 1. Identifiable personal data will be used for the purpose of assessing risk to service users and any children), as well as ensuring organisations are joined up in responding to the needs of the individual.<br><br>2. Sensitive personal information will be gathered from service users for two purposes –<br><br>a) to ensure the service is accessible, takes into account all of their circumstances and meets all of their needs/beliefs<br><br>b) to ensure equity of service to all service users and that the service continually responds, improves and shares |
| Which personal data could you not use without compromising the needs of the project?                              | All personal data is required and will be used. It is the discretion of the service user what they choose to disclose but on the understanding that the domestic abuse support service may be limited in their ability to provide a risk assessment and response.  |

**Principle 3 – Adequate, relevant and limited to what is necessary in relation to the purposes**

| <b>Privacy issue</b>  | <b>Comments</b> |
|---|-----------------|
| Is the quality of information good enough for the purpose it is used? | Yes             |

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#### Principle 4 – Accurate and kept up to date

| Privacy issue   | Comments  |
|---|---|
| How are you ensuring that the personal data obtained from individuals or other organisations is accurate? | <p>Personal information will be obtained directly from service users and recorded. Any change of circumstances must be reported to the domestic abuse support service to ensure the risk assessment and any service user needs are adequately met.</p> <p>Organisations contacted for additional information will be checked against information provided by the service user and any discrepancies will be investigated.</p> |
| How will the information be kept up to date and checked for accuracy and completeness?                    | <p>The domestic abuse support service will ensure their records are regularly checked and updated with the service user for accuracy and completeness.</p>  |
| If the data subject withdraws their consent how will this be actioned and recorded?                       | <p>The domestic abuse support service will make note of the withdrawal of consent, including the date, and take any required action, including notifying other organisations involved in the case.</p>  |
| Is there a documented process to amend and/or delete data when necessary?                                 | <p>The domestic abuse support service will have a documented process to amend and/or delete data when necessary.</p>  |

#### Principle 5 - Kept in a form that permits identification no longer than is necessary

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| Privacy issue   | Comments  |
|---|---|
| What are the retention periods for the data?  | The domestic abuse support service will have in place and adhere to a data retention policy which is aligned to the retention of records in relation to both adults and children, including where safeguarding or a police investigation may apply. |
| Are you procuring software that will allow you to delete information in line with your retention periods? | This will be a decision for the commissioned service aligned to their data retention policy and process.  |
| How will the data be destroyed when it is no longer required?   | This will be a decision for the commissioned service aligned to their data retention policy and process.  |

#### Principle 6 - Processed in a way that ensures appropriate security of the personal data

| Privacy issue  | Comments  |
|--|---|
| Do the systems provide protection against the security risks identified?                                 | <p>The largest security risk for this service is the disclosure of information about the service user to the perpetrator. The domestic abuse support service will understand this risk and take all reasonable steps to mitigate.</p> <p>It is the responsibility of the commissioned service to ensure their systems are secure and aligned to their data protection policy.</p> |
| What training and /or guidance is in place to ensure that staff know how to operate the system securely? | It is the responsibility of the commissioned service to ensure their staff know how to operate their system securely.   |

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| Is there a useable audit trail in place for the system/asset?  | It is the responsibility of the commissioned service to have audit trails in place.   |
| Where will the information be kept/stored/accessed?  | It is the responsibility of the commissioned service to ensure all data is stored securely.   |
| Will any information be set off site?<br>If yes where will it be sent and how will it be transferred?  | As above. Additionally, the commissioned service must ensure that any information sent elsewhere is done so securely.   |
| Is there an access policy in place which covers the data referred to in the DPIA?  | The commissioned provider will have in place controls to ensure that access levels are in accordance with necessity for staff to view records.<br><br>The commissioned provider must also ensure they are able to respond to any subject access requests. |
| Is there a contingency plan/back up policy in place to manage the effect of an unforeseen event?   | The commissioned provider will have contingency plans in place in case of an unforeseen event.  |
| Are there procedures in place to recover data (both electronic and paper) which may be damaged through human error, computer virus, network failure, theft, fire or flood? | The commissioned provider will have procedures in place to recover data.  |

### **Rights of the individuals**

| <b>Privacy issue</b>   | <b>Comments</b>  |
|--|--|
| What process is in place to support answering Subject Access Requests? | The commissioned provider must ensure they are able to respond to any subject access requests. |

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| Do you intend to send direct marketing messages by electronic means?   | No   |
| If applicable are there any procedures in place for an individual to prevent processing for purpose of direct marketing.                         | There will be no direct marketing as part of this service.   |
| Is automated decision making used?<br><br>If yes how will you notify individuals?  | No   |
| Have you assessed that the processing of personal/sensitive data will not cause any unwarranted damage or distress to the individuals concerned? | <p>The domestic abuse support service will be gathering sensitive and personal information from service users which, by virtue of the type of service, may be distressing but how much they choose to disclose is under the control of the service user.</p> <p>The circumstances under which personal information may be shared without consent will be made clear to the service user. In the event of information sharing for the purposes of safeguarding or child protection, this may cause distress to the individual but this is superseded by the both the Council's and any commissioned service's responsibility to protect any person from the risk of significant harm.</p> |
| What procedures are in place for the rectifying/blocking of data by individual request or a court order?   | The commissioned service will be have such procedures in place.  |
| Will the information be shared with any other organisation or third parties?   | It may be depending on the circumstances of the service user, with consent unless safeguarding applies.  |

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**Step 4 – Completion of Risk Assessment**

Application / Software Name.....

Information Asset Owner Title.....

Directorate.....

**\*\*This risk assessment will be completed by the domestic abuse support service provider\*\***

| <u>Risks Identified</u> | <u>Solutions</u> | <u>Evaluation</u><br>(would the risk eliminated, reduced or accepted?) |
|-------------------------|------------------|--|
|                         |                  |  |
|                         |                  |  |
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**Step 5 – Sign off and record of DPIA outcomes**

**\*\*This risk assessment will be completed by the domestic abuse support service provider\*\***

| <u>Risks</u> | <u>Approved Solution</u> | <u>Approved by</u> | <u>Date Approved</u> |
|--------------|--------------------------|--------------------|----------------------|
|              |                          |                    |                      |
|              |                          |                    |                      |
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