

## Data Protection Full Assessment

### Impact Assessment Id: #204

### 1.0 Screening Information

**Project Name**

Children's Homes and Semi-Independent Accommodation

**Name of Project Sponsor**

Tina Russell

**Name of Project Manager**

Adam Johnston

**Name of Project Lead**

Adam Johnston

**Please give a brief description of the project**

Review of Children's Homes Use and Semi-Independent Accommodation - Sufficiency

**Data Protection screening result**

Will require a full impact assessment

**Equality and Public Health screening result**

Will require a full impact assessment

**Environmental Sustainability screening result**

Does not need a full impact assessment

### 1.1 Background and Purpose

**Background and Purpose of Project?**

To support your answer to this question, you can upload a copy of the project's Business Case or similar document. To consult and review the use of children's residential homes and supported board and lodgings to support recommendations to Cabinet.

**Upload Business Case or Support documents**

No files uploaded

**Project Outputs**

Briefly summarise the activities needed to achieve the project outcomes.

Consultation on Proposals

Approval by Cabinet

Change of use and closure of some provision

Arrangements for children and young people and staffing due to service change

**Project Outcomes**

Briefly summarise what the project will achieve.

Appropriate residential provision for the future needs of vulnerable children, young people and care leavers in accordance with WCF Sufficiency Strategy

**Is the project a new function/service or does it relate to an existing Council function/service?**

Existing

**Was consultation carried out on this project?**

Yes

## 1.2 Responsibility

### Directorate/Organisation

Worcestershire Children First

### Service Area

Throughcare and Sufficiency

## 1.4 Specifics

### Project Reference (if known)

Not Recorded

### Intended Project Close Date \*

December 2021

## 1.5 Project Part of a Strategic Programme

### Is this project part of a strategic programme?

Yes

### An overarching screening has already been carried out for the following areas:

Not recorded

### Upload previous impact assessment documents if available

No files uploaded

## 2.0 Personal Data

### Who are you processing data about?

Customers, clients or service users

Carers or representatives

### What personal data will be collected? \*

The second stage is to list all of the types of personal data that you believe the project/works/additional processing will utilise.

Please select yes for as many examples of types of data that are relevant and include any others in the free text at the bottom of the page.

#### Basic Identifiers:

##### Name

Yes

##### Date of Birth

Yes

##### Age

Yes

##### Gender

No

##### Sex

No

#### Contact Details:

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**Address**

Yes

**Email Address**

Yes

**Home Phone Number**

No

**Mobile Phone Number**

Yes

**Postcode**

Yes

**ID Number:**

**National Insurance Number**

No

**Driving Licence/Number**

No

**NHS Number**

No

**Other General Identifier**

No

**Employment:**

**Work Related Training/Awards**

No

**Financial:**

**Income/Financial/Tax Situation**

No

**Appearance:**

**Photograph**

No

**Physical Description**

No

**Lifestyle:**

**Living Habits**

Yes

**Marital Status**

No

**Technology:**

**Login/Username**

No

**Device MAC Address (Wireless Network Interface)**

No

**Device Mobile Phone/Device IMEI No**

No

**Location Data (Travel/GDPS/GSM Data)**

No

**Online Identifier e.g. IP Address**

No

**Website Cookies**

No

**Other Data Types Collected**

Looked After Child (current / past) or Care Leaver status

**2.1 Legal basis for Personal Data**

**What is your lawful basis for processing the personal data? \***

Please choose one of the following

Data Subject's consent for the purpose

No

Necessary for a contract with the Data Subject

No

Necessary to comply with a legal obligation

Yes

Necessary to protect the vital interests of an individual(s)

No

Necessary for a task in the public interest or exercise of official authority of Controller

Yes

Necessary for legitimate interests of Controller unless interests are overridden by the interests or rights of the individual (only available in limited circumstances to public bodies)

No

## 2.2 Special Data

### What special category personal data (if any) will be collected? \*

This section will not apply to all projects and should only be completed if it applies to you.

It is important that you read this section carefully, as these data types require additional care and protection.

If you do pick anything from this list, you will be required to give more details in Section 4 of this form.

You can read more about Special Category Data through this link;

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

#### Race

No

#### Ethnic origin

No

#### Political opinions

No

#### Religion

No

#### Philosophical beliefs

No

#### Trade union membership

No

#### Genetic Data

No

#### Biometric Data

No

#### Sex life

No

#### Health or social care

Yes

## 2.3 Legal basis for Special Data

### What is the relevant condition for processing the special category personal data? \*

You must qualify under one of the below exemptions as well as having a legal basis from the previous question.

#### Explicit Consent

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;

Yes

#### Employment and Social Security

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;

Yes

#### Vital Interests

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;

Yes

#### Legitimate Interests of:

**"a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim".**

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;

**Note – this is not often applicable to local authorities.**

No

**Publicly Available Data**

Processing relates to personal data which are manifestly made public by the data subject;

No

**Legal or Court Proceedings**

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

No

**Public Interest - Statutory Necessity**

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;

Yes

**Medical, Health and Social Care Provision**

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;

Yes

**Public Health**

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;

No

**Archiving or Scientific, Historical or Statistical Research Purposes**

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.

No

**2.4**

**Information Involved**

Understanding the information flows involved in a project is essential to a proper assessment of privacy risks.

**How will the data be collected? \***

This section should be filled in for every project, not just those collecting Special Category data.

unsure

**What will the data be used for? \***

This section should be filled in for every project, not just those collecting Special Category data.

consultation on closure / change of use of residential children's home and supported board and lodgings

**Has data already been collected?**

Yes

**Are the purposes for which you are collecting the data different? \***

If the data you are hoping to use was not collected specifically for this project, please explain in the box below why it was collected. This will include data that you have collected from other teams within WCC.

Statutory duties for children in need of protection and those Looked After

### **Explain why existing and/or less intrusive processes or measures would be inadequate \***

In this section, you should explain why your new method/project is absolutely necessary and show that you have thought about all other options.

To understand the experiences and potential impact on those children and young people specifically, who currently / who have previously accessed residential services to inform consultation exercise and outcome of proposal.

## **3.0 Other organisations**

### **Are other organisations involved in processing the data?**

No

## **3.1 Storage detail**

### **How will the information be stored? \***

Please include details of whether data will be stored outside of the European Economic Area (EEA).

Please remember that cloud storage and back up servers maybe outside the EEA.

Client's social care record held in Liquidlogic

Records of Residential Homes on network U:drive

### **For how long will the data be retained? \***

The data will be retained inline with the categories in the Council's disposal schedule

### **What is the deletion process? \***

For Liquidlogic held data the retention module will be run when the independent enquiry into IICSA has completed.

Network drive deletion process is manual.

## **4 Consultation details**

**Consultation can be used at any stage of the DPIA process and is important to allow people to highlight privacy risks and solutions based on their own area of interest or expertise.**

**For further assistance and information please visit the [consultation toolkit section on Ourspace](#).**

### **Explain what practical steps you are going to take to ensure that you identify and address privacy risks \***

Identifying a targeted group of children, young people and their parents/carers. Ensuring data is captured and collected security, outlining the purpose of the information.

Risk assessment if required

### **Who should be consulted, internally and externally? Do you need to seek the views of members of the public? \***

As accordance with the requirements of children's home consultation / closures

### **How will you carry out the consultation? \***

(You should link this to the relevant stages of your project management process)

unknown

## **5 Risk register**

**At this stage you should identify the possible privacy risks together with their likelihood, severity and overall level, and for high risks the measures taken to reduce the risk.**

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Add any risk to the relevant sections below.

## Fair and Lawful Processing

Data must be processed lawfully, fairly and in a transparent manner.

Please also consider

- Have you identified at least one lawful basis for the personal data processed as part of the project?
- Does at least one Controller involved have a lawful power to act?
- Do you need to create or amend a privacy notice?
- How is your processing going to be transparent?

### Risk that processing is not transparent, and individuals are unaware that data is being collected or why it is processed

#### Unmitigated Risk

Likelihood - Likely

Severity - Some Impact

Score - High

#### Mitigation/Solution

Provide Data Processing Notice with consultation activities

#### Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

#### Result

Accepted

### Risk that information is being processed unlawfully

#### Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

#### Mitigation/Solution

Following corporate procedures and protocols of WCF and WCC

#### Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

#### Result

Accepted

## Specific, explicit and legitimate purposes

The purpose for which you process personal data must be specified, explicit and legitimate. Personal data collected must not be processed in a manner that is incompatible with the purpose for which it was originally collected.

Please also consider

- Does your project plan cover all of the purposes for processing personal data? If not your plan needs amending accordingly.
- Are all elements of the processing compatible with the original reason and justification for the processing?
- What are these specific, explicit and legitimate purposes?

### Risk of 'mission creep' and information is used for different, or incompatible purposes to that identified when originally collected

No Risk

## Adequate, relevant and not excessive

Personal data processed must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

Please also consider

- Is the quality of the information adequate for the purposes it is used?
- If not, how is this to be addressed?
- Are measures in place to ensure that data is limited to that which is needed to fulfill the aim of the processing?



- Which personal data elements do not need to be included without compromising the needs of the project?

#### Risk of loss of control over the use of personal data

No Risk

#### Risk that inadequate data quality means the information is not fit for the identified purpose(s) potentially leading to inaccurate decision making

##### Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

##### Mitigation/Solution

triangulation of other data and proportionate evaluation of responses

##### Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

##### Result

Accepted

#### Risk that any new surveillance methods may be an unjustified intrusion on individuals' privacy

No Risk

### Accurate and timely

Personal data processed must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

Please also consider

- If you are procuring new software does it allow you to amend data when necessary?
- How are you ensuring that personal data obtained from individuals or other organisations is accurate?
- Do you have processes in place to keep data up to date?
- If any data sets are to be merged, what checks are carried out to ensure that the right data records are matched/merged together?

#### Any data matching or linking, including whole data sets may link wrong records together

No Risk

### Storage limitation

Personal data must be kept for no longer than is necessary for the purpose for which it is processed. Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data.

Please also consider

- What are the risks associated with how long data is retained and how they might be mitigated?
- Has a review, retention and disposal (RRD) policy been established?
- How does the software enable you to easily act on retention criteria – does it enable bulk review/destruction; set review periods; extract for long-term preservation/retention of the corporate memory?

#### Risk information is retained for the wrong length of time (both too long and too short)

No Risk

#### Risk information is not securely destroyed when its retention period has been reached

No Risk

### Security

Personal data must be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, “appropriate security” includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

Please also consider

- What technical and organisational measures are in place to ensure that the data is protected to an adequate level?
- What training on data protection and/or information sharing has been undertaken by relevant staff?

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- What access controls are in place to enforce the 'need to know' principle?
- What assurance frameworks are utilised to assess adequacy of security measures in place e.g. NHS DSPT; Cyber Essentials Plus; PSN Certification?

#### Risk of loss of confidentiality

##### Unmitigated Risk

Likelihood - Unlikely  
Severity - Serious Impact  
Score - Medium

##### Mitigation/Solution

confidentiality and recording of data in line with secure data systems and processes.

##### Mitigated Risk

Likelihood - Unlikely  
Severity - Serious Impact  
Score - Medium

##### Result

Accepted

#### Risk of inadequate security controls in place to protect and secure personal data, including inappropriate access

##### Unmitigated Risk

Likelihood - Unlikely  
Severity - Serious Impact  
Score - Medium

##### Mitigation/Solution

standard corporate security controls in place with WCF and WCC processes

##### Mitigated Risk

Likelihood - Unlikely  
Severity - Serious Impact  
Score - Medium

##### Result

Accepted

#### Risk that workers processing the data are not aware of their data responsibilities

No Risk

#### Risk that information is distributed using inappropriate methods

No Risk

#### Risk of re-identification of pseudonymized or anonymised data (e.g. collecting matching and linking identifiers and information may result in information that is no longer safely anonymised)

No Risk

#### Risk that information is transferred to a 'third country' without adequate safeguards

No Risk

### Financial and reputational

#### Risk of identity theft or fraud

No Risk

#### Risk of financial loss for individuals or other third parties

No Risk

#### Risk of financial loss for the Council (including ICO fines)

No Risk

#### Risk of reputational damage to the Council, partners, and processors

No Risk

## Health, safety and wellbeing

### Risk of physical harm to individuals

#### Unmitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Mitigation/Solution

statutory responsibilities still remain for children / young people in WCF care

#### Mitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Result

Accepted

### Risk of physical harm to staff and workers

No Risk

### Risk of discrimination

No Risk

### Risk of other significant economic or social disadvantage

No Risk

## Individuals Rights

Data protection legislation gives data subjects' various rights (listed below). Limiting or restricting any of these rights is likely to be a significant impact so the justification for any restriction, as well as mitigations, must be fully outlined.

### Inability to meet individuals' right to be informed

#### Unmitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Mitigation/Solution

ensuring those who need to be informed will be involved in the consultation process and be advised of how data will be used

#### Mitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Result

Accepted

### Inability to meet individuals' right of access

#### Unmitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Mitigation/Solution

Identification of those individuals to be included in consultation

#### Mitigated Risk

Likelihood - Unlikely  
Severity - Some Impact  
Score - Low

#### Result

Accepted

### Inability to meet individuals' right to rectify inaccurate data

No Risk

**Inability to meet individuals' right to restrict processing**

No Risk

**Inability to meet individuals' right to object**

No Risk

**Inability to meet individuals' rights relating to automated decision making and profiling**

No Risk

**Additional project specific risks**

No additional risks recorded

**6 Declaration**

I confirm to the best of my knowledge that the information I have provided is true, complete and accurate \*

Selected

I confirm that I will make sure that data protection has been and continues to be considered throughout the project life cycle and should circumstances change in the project to include any processing of personal data a further Data Protection Impact Assessment Screening will be carried out \*

Selected