

Data Protection Full Assessment
Impact Assessment Id: #434**1.0 Screening Information****Project Name**

Adult Social Care – Charging Review

Name of Project Sponsor

Mark Fitton

Name of Project Manager

Corrine Paton

Name of Project Lead

Corrine Paton

Please give a brief description of the project

Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

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.

Background: Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

The purpose of the project is to:

- Change the assessment for Respite/Replacement care to a non-residential service in order to eliminate potential unfairness and make it clearer for service users
- Charge for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back a final recommendation to Cabinet once the Consultation is completed

Upload Business Case or Support documents

No files uploaded

Project Outputs

Briefly summarise the activities needed to achieve the project outcomes.

If the changes are agreed at cabinet, and implemented, the following activities will be required to deliver the project outcomes:

- Amendments to operational guidance, policies, process and practices to deliver the changes to the assessment approach for Respite/Replacement care to a non-residential service
- Amendments to operational guidance, policies, process and practices to facilitate charging for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back an options appraisal and final recommendations to Cabinet once the Consultation is completed.

Project Outcomes

Briefly summarise what the project will achieve.

If the changes are agreed at cabinet, and implemented, the following benefits will be realised:

- Will be able to use the Online Financial Assessment (OFA) for all assessments
- Reduction in assessments being carried out by the Care Contribution Assessment team
- Fairer system of assessments as Direct Payments and Non-direct payments clients will be assessed the same way – Care Act Compliant
- Clients would have one uplift letter at present receive 2 uplift letters if have non-res and replacement care
- Social workers will not have to request a financial assessment when a client who is already having a non-residential service requires replacement care

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?

No

1.2 Responsibility

Directorate/Organisation

People

Service Area

Adult Social Care

1.4 Specifics

Project Reference (if known)

Not Recorded

Intended Project Close Date *

December 2023

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:

Data Protection

Equality and Public Health

Environmental Sustainability

What was the conclusion?

A requirement to complete a Data Protection and Equality and Public Health Impact Assessment

Upload previous impact assessment documents if available

[Project Screening Adult Social Care – Charging Review completed 29.11.2022.pdf](#)

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

Yes

Sex

Yes

Contact Details:

Address

Yes

Email Address

Yes

Home Phone Number

Yes

Mobile Phone Number

Yes

Postcode

Yes

ID Number:

National Insurance Number

Yes

Driving Licence/Number

No

NHS Number

Yes

Other General Identifier

No

Employment:

Work Related Training/Awards

No

Financial:

Income/Financial/Tax Situation

Yes

Appearance:

Photograph

No

Physical Description

No

Lifestyle:

Living Habits

No

Marital Status

Yes

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

Other Data Types Collected

Not Recorded

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

Yes

Necessary for a contract with the Data Subject

Yes

Necessary to comply with a legal obligation

No

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

No

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;

No

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;

No

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;

No

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;

No

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.
Through Liquid Logic and Controcc in-house software

What will the data be used for? *

This section should be filled in for every project, not just those collecting Special Category data.
For the purpose of understanding which adult social care service users are impacted by the changes to the WCC charging policy.

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.

For the purpose of understand which adult social care service users are impacted by the changes to the WCC charging policy.

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.

The data is collected within the existing adult social care systems (Liquid Logic and Controcc) the data will be used to identify which adult social care service users are impacted by the changes to the WCC charging policy and to notify them of the changes to the current service provision financial arrangements.

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.

Data will be stored electronically within Council systems as part of the normal assessment process, and financial implications for care act eligibility.

For how long will the data be retained? *

The data will retained by the Council, in accordance with standard data protection policies and compliance of the current data retention regulations

What is the deletion process? *

Data will only be held for the minimum timescales in accordance with the current data retention regulations, supported by WCC deletion timescales, with a deletion certificate if necessary.

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 *

Consultation will be conducted as part of the outputs of the project to understand viable options and produce recommendations for future service delivery. Only the minimum data, in accordance with GDPR regulations, is collected as required and will not be shared with other partners or external organisations.

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

Consultation will take place internally and externally with members of the public if the cabinet paper is approved on 2 February 2023.

How will you carry out the consultation? *

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

Consultation will take place, subject to approval by Cabinet paper is approved on 2 February 2023. A range of methodologies will be utilised, ranging from face-to-face key stakeholder engagement sessions; combined with on-line and postal consultation for service users.

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. 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

No Risk

Risk that information is being processed unlawfully

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website.

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Eliminated

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

No Risk

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?
- 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

No Risk

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

No Risk

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)

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services and retained on internal systems; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website.

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

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

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website. consultation is proposed as part of the project to develop proposals and recommendations

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

Health, safety and wellbeing

Risk of physical harm to individuals

No Risk

Risk of physical harm to staff and workers

No Risk

Risk of discrimination

No Risk

Risk of other significant economic or social disadvantage

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Each service the resident uses will have a financial audit and review of their needs to understand the financial impact on them.

Mitigated Risk

No Risk

Result

Reduced

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

No Risk

Inability to meet individuals' right of access

No Risk

Inability to meet individuals' right to rectify inaccurate data

No Risk

Inability to meet individuals' right to erase data

No Risk

Inability to meet individuals' right to restrict processing

No Risk

Inability to meet individuals' right to data portability

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

7 Application Details

Last Updated Date Time

22/12/2022 09:15:59

Screening Submitted Date Time

29/11/2022 11:55:09

Last Reopened Date Time

No Date Recorded

Full Impact Submitted Date Time

22/12/2022 09:15:59

Approved/Rejected Date Time

No Date Recorded

Current User Dashboard Request Status

Submitted

8.0 People with access to the original screening

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Charles Huntington \(CHuntington@worcestershire.gov.uk\)](mailto:CHuntington@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

8.1 People with access to this data protection assessment

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Charles Huntington \(CHuntington@worcestershire.gov.uk\)](mailto:CHuntington@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

9 Direct Questions

Question:

Hi

Under 2.1 you have selected consent as a legal basis but under 2.4 you have indicated the data is already collected so would consent be appropriate. Considering consent can be withdrawn at any time, would a different legal basis be more appropriate?

Asked by Charlotte Shepard (CShepard@worcestershire.gov.uk) at 06/12/2022 13:57:50

Amanda Dunn (adunn2@worcestershire.gov.uk), and Corrine Paton (cpaton@worcestershire.gov.uk) have been asked this question.

Response:

Hi

I believe that that the 2 legal reasons, would still apply from section 2.1:

Data Subject's consent for the purpose

Yes

Necessary for a contract with the Data Subject

Yes

My belief is that whilst the data subject (resident) continues to receive the services, the legal basis for consent remains.

Amanda Dunn (adunn2@worcestershire.gov.uk) at 07/12/2022 13:09:10

Add Response