

# Data Protection Impact Assessment

**DPIA Name:** Contract Award for the Supply of Temporary Workers

**Ref No:**

## DPIA Submission form

Thank you for taking the time to fill out the DPIA submission form. This form is made up of two parts:

- Screening questions (To determine whether a submission is needed)
- The Impact assessment submission

### Screening questions

<b>Name:</b> (of the project or change to be delivered)	Contract Award for the Supply of Temporary Workers
<b>Background/ Objectives:</b> (why is the new system / change required?)	The IT system and the data being used as part of the provision will involve the sharing of Council employee names and contact details, candidates name and some details which may include DBS check information and/or criminal conviction details.  This information is used to ensure that the candidates are mapped to the right roles and that risks to the Council have been mitigated.
<b>Information flow diagram*</b> (please see examples in guidance) see section on data mapping	
<b>Point of contact:</b> (who is to be contacted in regards to the DPIA)	Euan Beales

Please read the DPIA guidance on pages 9 &10 document before completing this form

	Screening questions	Yes	No
1	Will the project involve the processing of information about individuals? Please note this does include pseudonymised data*	X	<input type="checkbox"/>
2	Will information about individuals be disclosed or shared with organisations or people who have not previously had routine access to the information?	<input type="checkbox"/>	X
3	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"/>	X
4	Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	<input type="checkbox"/>	X

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<b>5</b>	Does any phase of the project utilise automated decision making based on the information provided/ shared	X	X
<b>6</b>	Will the project require you to contact individuals in ways which they may find intrusive? e.g marketing*	<input type="checkbox"/>	X

**Note:** If the answer to all of the above questions is 'No', then there is **no need to continue further** with the submission.

Please email the completed and named form to the screening questions to [dpia-LBN@Newham.gov.uk](mailto:dpia-LBN@Newham.gov.uk) or [dpia-LBH@haverling.gov.uk](mailto:dpia-LBH@haverling.gov.uk)

If you have answered 'Yes' to any of the above screening questions, please proceed to complete the remainder of the submission.

**Note:** Once you have submitted your DPIA, please feel free to **book time with us** to go through the DPIA with you here: [DPIA consultation booking link](#)

### Version control (Internal use)

Version	Status	Revision Date	Summary of Changes	Author

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## Impact assessment submission

### Stage 2: Data Protection Impact Assessment

<b>DPIA Approved by Information Asset Owner:</b>	<b>Name:</b>	<b>Date:</b>
<b>Expert advice provided by:</b>		

## Project Key Contacts & Information

### Section A: New/Change of System/Project General Details

<b>State who is the Data Controller*</b>		
<b>Consultation:</b> (If required detail here any consultation undertaken with the public, partners, internal or external stakeholders)		
<b>Implementation date:</b> for example the timescales required for completion, implementation date		
<b>Relationships / Partnerships:</b> (e.g. with NHS, or private organisation, stakeholders, please also if possible state whether they are designated as data controllers or data processors)		
<b>Project Manager:</b>	Name:	
	Job Title:	
	Service:	
	Telephone:	
	Email:	
<b>Information Asset Owner(s)</b> All information assets must have an information asset owner (IAO). IAO are usually Heads of Service or Chief Officers.	Name:	
	Job Title:	
	Service:	
	Telephone:	
	Email:	

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**Section B: Data Protection Impact Assessment (please complete all questions as fully as possible)**

	<u>Question</u>	<u>Response</u>	<u>Guidance document</u>
<b>Processing</b>			
<b>1</b>	Please state the purpose for the processing of the data / information: (for example, service provision, research, audit, employee administration)		
<b>2</b>	Please tick the data items/ information that will be processed	<input type="checkbox"/> Name <input type="checkbox"/> Address/Postcode <input type="checkbox"/> Date of Birth <input type="checkbox"/> Telephone no/email <input type="checkbox"/> Next of Kin <input type="checkbox"/> National Insurance Number <input type="checkbox"/> NHS Number <input type="checkbox"/> Gender <input type="checkbox"/> GP / Consultant <input type="checkbox"/> Pseudonymised	
<b>2b</b>	Special categories and Criminal data	<input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Political opinions/trade union membership <input type="checkbox"/> Religion <input type="checkbox"/> Physical health <input type="checkbox"/> Mental health <input type="checkbox"/> Medical history <input type="checkbox"/> Ethnic Origin <input type="checkbox"/> Sexual life <input type="checkbox"/> Criminal convictions <input type="checkbox"/> Biometrics, DNA profile, fingerprints <input type="checkbox"/> Bank, financial or credit card details <input type="checkbox"/> Tax, benefit or pension Records	

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<b>2c</b>	Data Subjects	<input type="checkbox"/> Service users – Adults <input type="checkbox"/> Service users - Children under 13 <input type="checkbox"/> Service users - Children over 13 <input type="checkbox"/> Vulnerable Adults <input type="checkbox"/> Staff (permanent and agency) <input type="checkbox"/> Other Individuals- e.g. job applicants, business owners <input type="checkbox"/> Not Sure – Please specify	
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<b>3a</b>	What is the legal basis you are relying on for the processing of the data/information. (please see guidance section on processing for all of question 3)		
<b>3b</b>	If you are relying <b>only</b> on consent, did you consider any other legal basis?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>3c</b>	If using consent, how will that consent be obtained and recorded and withdrawn if requested? (please state)		
<b>4</b>	Will personal data items be collected which have not been collected before?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>5</b>	The data of approximately how many individuals will be affected?	<input type="checkbox"/> 1-10 <input type="checkbox"/> 10-100 <input type="checkbox"/> 100-1000 <input type="checkbox"/> 1000-10,000 <input type="checkbox"/> 10,000+	
<b>6</b>	How is the personal data obtained?	<input type="checkbox"/> From Client/Service User <input type="checkbox"/> From partner agencies <input type="checkbox"/> From 3 <sup>rd</sup> Party/ Another Individuals <input type="checkbox"/> For employment purposes <input type="checkbox"/> Internal services <input type="checkbox"/> Other	
<b>7</b>	Have the individuals been informed of this processing?	<input type="checkbox"/> Yes (explicit) <input type="checkbox"/> Yes (implicit, i.e. through Privacy notice, website, leaflet etc) <input type="checkbox"/> No	

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<b>8</b>	Does the information involve new linkage / matching of personal data with data in other collections, or is there significant changes in data linkages / matching?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>9</b>	Does this project involve utilising data for the purposes of automated decision making/profiling. If so add details (please see guidance section on processing)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Records Management</b>			
<b>10</b>	Does this project create a new Information Asset?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>10a</b>	How will the information be kept up to date and checked for accuracy and completeness?		
<b>10b</b>	What processes are in place for data quality checking?		
<b>11</b>	If this project involves a new system, does it have the ability to quarantine information/restrict processing?		
<b>11a</b>	Does the system have the ability to amend or add notes to data/information at a single data field level?		
<b>12</b>	What checks have been made regarding the adequacy, relevance and necessity for the collection of data?		If no checks have been made, please record this as a risk in section C
<b>13</b>	Where will the information be stored / accessed?	<input type="checkbox"/> Hard copy in file unlocked <input type="checkbox"/> Hard copy in file, locked <input type="checkbox"/> Digital file, in folder, unencrypted device <input type="checkbox"/> Digital file, in folder, encrypted device	

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		<input type="checkbox"/> Digital file, in folder, on server, no password <input type="checkbox"/> Digital file, in folder, on server, password <input type="checkbox"/> Digital file, in cloud, common user/pass <input type="checkbox"/> Digital file, in cloud, individual user/pass <input type="checkbox"/> Database, unencrypted device <input type="checkbox"/> Database, encrypted device <input type="checkbox"/> Database, on server, no password <input type="checkbox"/> Database, on server, password <input type="checkbox"/> Database, in cloud, common user/pass <input type="checkbox"/> Database, in cloud, individual user/pass <input type="checkbox"/> Other <input type="checkbox"/> Not Sure	
<b>14</b>	What are the retention periods?		
<b>15</b>	How will the information be destroyed when it is no longer required?		
<b>15a</b>	If held electronically, can the destruction be certified?		
<b>15b</b>	Can the information be deleted at a singular data field level?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Security</b>			
<b>16</b>	Who will access the information? (i.e. Services, roles, organisations)		
<b>17</b>	Is there an Access Control Policy in place? (Please see guidance section on Security for further information)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>18</b>	Is there an ability to audit access to the information? (Please see guidance section on Security for further information)	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please record as a risk in section C

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<b>19</b>	Detail what security measures have been implemented to secure access and limit the use of personal information?		
<b>19a</b>	If data is hosted in the cloud, is the solution compliant with the UK Government <u>National Cyber Security Cloud (NCSC) Principles</u> ? If not, what technical security measures are applied to the cloud/hosting solution?		
<b>20</b>	Does this project involve privacy invasive technologies?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please detail	
<b>21</b>	Is there a business continuity and a disaster recovery plan in place?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please record this as a risk in section C
<b>22</b>	Where external parties are accessing the Council's information, has it been identified that they require IG training?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Sharing</b>			
<b>23</b>	Will any of the information be shared with other organisations or Council services?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please record this as a risk in section C
<b>23a</b>	Please list all organisations/Council services involved with sharing		
<b>23b</b>	What is the legal basis for sharing?		Please note that your legal basis for processing may be different from your legal basis for Sharing.
<b>24</b>	Will there be signed information sharing agreements in place	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please record this as a risk in section C
<b>25</b>	Which method will be used to transport information if it is going off site?	<input type="checkbox"/> Standard email <input type="checkbox"/> Secure email (e.g. GCSx) <input type="checkbox"/> Website <input type="checkbox"/> Via courier <input type="checkbox"/> By hand <input type="checkbox"/> Via external post <input type="checkbox"/> Via telephone <input type="checkbox"/> Removable Media	If no, please record this as a risk in section C



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		<input type="checkbox"/> Secure file transfer protocol (eg. mail express) <input type="checkbox"/> Social Media <input type="checkbox"/> Providing access via Council systems <input type="checkbox"/> Other (please give details)	
<b>26</b>	Are you transferring any personal identifiable data/information to a country outside the United Kingdom	<input type="checkbox"/> Yes <input type="checkbox"/> No	If YES, please record this as a risk in section C

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## Section C: Identify the Information, Privacy, and related risks

Identify the key risks. All risks identified from the questionnaire in section B should be included, plus any others of relevance. Describe the actions you could take to reduce the risks and any future steps which would be necessary (e.g. the production of new procedures or future security elements for systems).

Please note: if your project has a large number of risks there is an alternative spreadsheet you can use, (please ask your IG officer) or simply continue onto a separate sheet.

<u>Risk</u>	<u>Current Impact (1-5)</u>	<u>Current Likelihood (1-5)</u>	<u>Solution</u>	<u>Result:</u> is the risk eliminated, reduced, or accepted?	<u>Evaluation:</u> is the final impact on individuals after implementing each solution justified, compliant and proportionate response to the aims of the project?
<b>Actions to be taken by the Project Team (Approval by IG/IS is granted, provided the following actions are completed by the target dates shown)</b>					
<u>Action to be taken</u>	<u>Action Owner</u>	<u>Details</u>	<u>Target date completion</u>	<u>Date completed</u>	<u>Mitigation approved by IG /IS (include name of officer and date approved)</u>

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## Lawful Basis Vs Individual Rights

Lawful basis	Description	Information rights of the individual					
		Access	Rectification <sup>1</sup>	Erasure <sup>2</sup>	Restrict <sup>3</sup>	Object <sup>4</sup>	Portability
<b>Public task (A6.1e)</b>	Task in the public interest or for your official functions, and the task or function has a clear basis in law	Yes	Yes	No - retention applies	Yes	Yes	No
<b>Compliance with legal obligation (A6.1c)</b>	Required by UK or EU law to process data for a specific purpose	Yes	Yes	No - retention applies	Limited	No	No
<b>Contract with an individual (A6.1b)</b>	Supply goods or services they have requested or under an employment contract	Yes	Yes	Yes - if no longer necessary but retention may apply	Yes	Limited	Yes
<b>Vital interests (A6.1d)</b>	To protect someone's life - data subject or someone else.	Yes	Yes	Yes - if no longer necessary but retention may apply	Limited	No	No
<b>Consent (A6.1a)</b>	Documented evidence of consent for the purpose	Yes	Yes	Yes	Yes	No but can withdraw consent	Yes
<b>Legitimate interests (A6.1f)</b>	Only for HR/employment and security interests if a public authority	Yes	Yes	Yes - if no longer necessary but retention may apply	Yes	Yes	No

**Notes:**

1. Third parties where personal data is shared or processed also to be notified and data corrected/made complete
2. Full erase ('right to be forgotten) only fully applies with explicit consent, otherwise retain until end of retention period. Still have right to object or restrict processing.
3. Third parties where personal data is shared or processed also to be notified and processing restricted, inform individual and third parties if restriction is removed. If technically possible the fact that processing has been restricted must be flagged/marked on the personal information.
4. You must stop processing personal data for direct marketing purposes as soon as you receive an objection. There are no exemptions or grounds to refuse unless compelling legitimate grounds that override individual's rights.

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### Article 9(2) conditions for processing Special Categories of data (Sensitive Personal Data)

At least one of the conditions listed above must be met whenever you process personal data. However, if the information is sensitive personal data, at least one of several other conditions must also be met before the processing can comply with the first data protection principle. These other conditions are as follows.

- a) **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;
- b) **Social security and Social protection law**- 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) **Vital interests of data subject physically or legally incapable of giving consent**- 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) **Not-for-profit body** 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) **Made Public by the Data Subject**- processing relates to personal data which are manifestly made public by the data subject;
- f) **Exercise or Defence of Legal Claims/Order by Court**- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- g) **Substantial Public Interest**- 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) **Health and Social Care**- 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) **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;
- j) **Scientific or Historical Research Purposes or Statistical 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.