

# **East Dunbartonshire Council**

## **Data Protection Assessment 2018**

## Appendix 5

### Data Protection Assessment Screening Form

The following 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.

<b>Will the project involve the collection of new information about individuals?</b>
Yes

<b>Will the project compel individuals to provide information about themselves?</b>
Yes, however only if individuals are interested in the project and wish to provide details as part of consultation and engagement activities.

<b>Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?</b>
Yes. The Scottish Government (DPEA) will be provided with information on individuals who make representations during the consultation phase, however, individuals will be made aware of this.

<b>Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?</b>
No. The information gathered will form part of the standard LDP preparation process.

<b>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.</b>
No.

<b>Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?</b>
The project will result in the allocation of land for new uses adjacent to other landowners' property or land. This may be viewed as being a significant impact. However, the work programme is intended to consult landowners on any allocation of land.

<b>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.</b>
No.

<b>Will the project require you to contact individuals in ways that they may find intrusive?</b>
No.

## Appendix 2

### Data Protection Assessment

**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 DPIA was identified (this can draw on your answers to the screening questions)

To provide a land use strategy for the Council, with policies and proposals for land use change and development in the public interest. The LDP is a legal requirement.

To provide a land use strategy for the Council which:

- delivers the land use requirements of the Local Outcomes Improvement Plan
- acts a framework for the determining of planning applications.
- operates within a statutorily defined framework

The Local Development Plan benefits the public in general by ensuring the use of land is managed to the needs of all members of society.

In order to produce a Local Development Plan for East Dunbartonshire, the Land Planning Policy team is required to carry out extensive consultation with members of the public and stakeholders.

In order to inform these interested parties in the ongoing process to produce LDP3, there is a requirement to store contact details. This includes names and contact details, including an email or home address.

At the Gatecheck stage the Planning Authority must demonstrate how the planning authority has taken the views of stakeholders into account.

At Proposed Plan stage it is a legal requirement to neighbour notify, however, the contact data for this process is not held by the team.

At Examination stage, contact details are kept and sent to the Scottish Government, however, individuals supplying data are told this is what will take place. The Government will be conscious of and must itself comply with GDPR requirements.

In addition, the consultation will invite people to answer questions about themselves for the purposes of monitoring the responses by equality groups (gender, age, disability, gender reassignment, marriage and civil partnership, race and sexual orientation). However, this will not be compulsory.

### **Step two: Describe the information flows**

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

Personal data will be collected during the various consultation periods for LDP3. This will take the form of an online survey or response form. The respondent will be required to submit their name, postal and email address and will be invited to submit information regarding their association to equality groups (listed above). Submission of this extra personal information will be on a voluntary basis.

Personal data (names and email or postal addresses) will be collected in order to provide interested parties with updates on the LDP3 process using the LDP newsletter. Data is kept in a password protected spreadsheet, accessible only to the Land Planning Policy team. Data will be collected with the consent of the person. The LDP Newsletter includes an 'unsubscribe' option.

The number of individuals affected by the project will depend on the volume of responses to the consultation. At present there are over 900 individuals and organisations subscribed to the LDP Newsletter.

**Consultation requirements**

Explain what practical steps you will take to ensure that you identify and address privacy risks. Who should be consulted, internally and externally? How will you carry out the consultation? You should link this to the relevant stages of your project management process.

Consultation can be used at any stage of the DPIA process.

The consultation process is reflected in the LDP3 Participation Statement and links to the Council's consultation guidelines. The relevant Council team will have sight of this document as a result of the Council process and will be able to suggest any changes going forward. Each time work on the LDP3 goes to PNCA Committee / Council this process will be refreshed to ensure ongoing consideration, this will include further scrutiny of data use at the Examination and Adoption stages.

**Step three: identify the privacy and related risks**

Identify the key privacy risks and the associated compliance and corporate risks. Larger-scale DPIAs might record this information on a more formal risk register.

Annex three can be used to help identify GDPR related compliance risks

<b>Privacy issue</b>	There are no privacy issues as information will be kept within the Council and held by specific Council officers. The information will not be shared publicly.
<b>Risk to individuals</b>	Risk to the individual is minimised by the use of a password protected spreadsheet. In addition, individuals have the option to opt out at any point in the LDP3 process.
<b>Compliance risk</b>	Compliance is addressed in section three. Risk to non-compliance is minimised through use of a password protected spreadsheet, team training and allowing individuals to opt out, as well as ongoing refresh of this assessment during the lifetime of the project.

<b>Associated organisation / corporate risk</b>	Risk to the Council is minimised by the use of a password protected spreadsheet.
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**Step four: Identify privacy solutions**

Describe the actions you could take to reduce the risks, and any future steps which would be necessary (e.g. the production of new guidance or future security testing for systems).

<b>Risk</b>	Sharing of public information submitted through the consultation channels. Data is removed from the spreadsheet. The spreadsheet password is passed to someone outwith the Land Planning Policy team.
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<b>Solutions</b>	The file will only be accessible by the Project Team. This reduces the level of access to the personal information and reduces the risk of the information being shared significantly. The personal information will not be shared by the Project Lead to any other individual/group. Training for the team, including their involvement in producing this document.
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<b>Result:</b> is the risk eliminated, reduced, or accepted?	The solutions will reduce any risks significantly and potentially eliminate them.
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<b>Evaluation:</b> is the final impact on individuals after implementing each solution a justified, compliant and proportionate response to the aims of the project?	Yes.
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**Step five: Sign off and record the DPIA outcomes**

<b>Who has approved the privacy risks involved in the project? What solutions need to be implemented?</b>

**Step six: Integrate the DPIA outcomes back into the project plan**

Who is responsible for integrating the DPIA outcomes back into the project plan and updating any project management paperwork? Who is responsible for implementing the solutions that have been approved? Who is the contact for any privacy concerns which may arise in the future?	
<b>Action to be taken</b>	Training for the team, including their involvement in producing this document.
<b>Date for completion of actions</b>	TBC. Part of producing this document for Council approval and in preparing the Evidence Report & Proposed Plan Representation Forms.
<b>Responsibility for action</b>	Peter Atkinson (Policy Planner)
<b>Contact point for future privacy concerns</b>	peter.atkinson@eastdunbarton.gov.uk

**Appendix 3****Linking the DPIA to the data protection principles**

Answering these questions during the DPIA process will help identify where there is a risk that the project will fail to comply with GDPR or other relevant legislation, for example the Human Rights Act.

**1<sup>st</sup> Principle: Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency'). In particular, shall not be processed unless: a) at least one of the conditions in GDPR Article 6 is met, and b) in the case of special category personal data, at least one of the conditions in GDPR Article 9 is also met.**

- Have you identified the purpose of the project?
- How will individuals be told about the use of their personal data?
- Do you need to amend your privacy notices?
- Have you established which conditions for processing apply?
- If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?
- If your organisation is subject to the Human Rights Act, you also need to consider:
- Will your actions interfere with the right to privacy under Article 8?
- Have you identified the social need and aims of the project?
- Are your actions a proportionate response to the social need?

The responses to sections 1 and 2 above address these issues. Individuals will be informed about the use of their data in the LDP newsletter and Representation Form. The proposed approach and actions are proportionate to the nature of data collection and project.

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**2<sup>nd</sup> Principle: Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with [Article 89\(1\)](#), not be considered to be incompatible with the initial purposes ('purpose limitation');**

- Does your project plan cover all of the purposes for processing personal data?
- Have potential new purposes been identified as the scope of the project expands?

- Yes.
- No. Data will not be used for any other purpose.

**3<sup>rd</sup> Principle: Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');**

- Is the information you are using of good enough quality for the purposes it is used for?
- Which personal data could you not use, without compromising the needs of the project?

Yes. Only names, postal and email addresses are requested.

At Proposed Plan stage it is a legal requirement to neighbour notify, however the contact data for this process is not held by the team. At Examination stage, contact details are kept and sent to the Scottish Government, however individuals supplying data are told this is what will take place. The Government will have reviewed its own procedures on this as a result of GDPR.

**4<sup>th</sup> Principle: Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');**

- 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?

When the LDP Newsletter is sent out there is an option to unsubscribe, the spreadsheet is then updated by removing these individuals. Where emails bounce back, these individuals are removed from the spreadsheet.

**5<sup>th</sup> Principle: Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89\(1\)](#) subject to implementation of the appropriate technical**

**and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');**

- What retention periods are suitable for the personal data you will be processing?
  - Are you procuring software which will allow you to delete information in line with your retention periods?
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- The preparation of LDP3 may take up to 5 years to complete. At the end of the process the spreadsheet of contacts will be refreshed with individuals asked if they wish to stay on the contact list for the subsequent LDP process.
  - No

**6<sup>th</sup> Principle: Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').**

- Do any new systems provide protection against the security risks you have identified?
- What training and instructions are necessary to ensure that staff know how to operate a new system securely?

As noted above the team have taken part in producing this assessment and are aware of the need to protect data and comply with regulations. Team training will also highlight the need to protect the password for the spreadsheet and not transfer data from it elsewhere. Should anyone leave the team but still have access to the spreadsheet the password will be changed.