



Data Protection Impact Assessment Report

Project Information	
Project Name (and or number)	Adoption West – Regional Adoption Agency continued access to data during transitional period
Business Area/s Affected	Children’s Services
Information Asset Owner	Martin Davis
Senior Responsible Officer	Terrence Herbert
Project Manager	Alison Lewis
Data Protection Officer	Andrew Holyoake

Document Ownership	
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Document Owner	Children’s Services HOS

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Quality Reviewers	Name	Role	Sections Reviewed
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Distribution List		
Name	Department/Organisation	Project Role

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1. Outline of the project, objectives and benefits

The project will provide IT continuity in the fixed transition period for 3 month following 'go-live' of Adoption West, the newly created Regional Adoption Agency.

2. Describe the intended use of personal data:

a) Describe the nature of the processing:

The access to data is a continuance to access Wiltshire Council Children's Services data in relation to the adoption processes, that currently are accessible to staff who at the moment of implementation will cease to be Council employees and will become Agency employees.

b) Describe the scope of the processing

The processing will be continued access to Children's Services databases, found in CareFirst and LiquidLogic by staff that are currently employed as social workers and administrative support in the existing adoption framework.

c) Describe the context of the processing:

Due to the complexity of amalgamating six local authorities' adoption service functions, and until such time as there is successful transfer of the records required to a new database, a transitional dual-access will be required for staff working in Wiltshire Council hubs.

The processing activity is to perform continued statutory functions set down in the suite of adoption legislation.

d) Describe the purposes of the processing:

The purpose for collection will be firstly the recruitment and assessment of potential adopters. This data will then be used to match children with adopters using personal data supplied by the Local Authorities regarding children requiring adoption. Secondly, to provide support services to adopted children and their families

3. Consultation: *See Appendix A, Part 3 for guidance.*

Consultation in wider context has been undertaken by Adoption West in respect of their specific DPIA for creating the service. This impact assessment relates solely to continuing to give access to tried, tested, and trusted former employees, and wider external consultation was not considered necessary. The change of employee status

necessitates that the risk is re-assessed to continue processing for the same purpose and under the same legal basis as when these staff were council employees.

4. Data protection compliance – assessment of necessity and proportionality of personal data processing.

Principle 1: Use of personal data is fair, lawful, and transparent:

- a) Lawful basis for the processing of personal data is stated as follows:
- Personal data:
Regulation 6(1)(e) Public interest / Official Authority
 - Special Category data:
Regulation 9(2)(g) Substantial Public Interest and 9(2)(h) Provision of social care or management of social care systems and services
 - Criminal data:
Schedule 1 part 2 Data Protection Act 2018
- b) Explain how individuals will be made aware of the processing:
All data subjects whose applications to adopt are live and being progressed or receiving support will be fully and directly informed of the change of status of the Adoption Authority from Council to Adoption Agency.

Principle 2: Use of personal data is for a specified, explicit and legitimate purpose and not re-used for a purpose that is in-compatible with the original purpose:

- a) If collecting personal data for primary use, explain how you have targeted only the information required: The personal data already exists any new data collected will be under controllership of Adoption West and their responsibility.
- b) If re-using personal data for further use, explain how this secondary use is compatible with the original reason you collected it: data will only be used for continued existing purposes.

Principle 3: Use of personal data is adequate, relevant and no more than necessary:

- a) Explain how the amount of personal data you intend to use is enough to be understood by the audience but no more than the minimum needed to achieve your purpose: The data sets as currently held and processed are defined by the adoption procedures that have been well established and fulfilled over recent years. Data that will be accessed under this arrangement are pre-existing and as required by the statutory adoption step-by-step process, and no more.

Principle 4: Personal data must be accurate and kept up to date:

- a) Explain how accurate recording of data will be achieved and how it will be kept up to date, where necessary: Data are contributed by the data subjects themselves.

Other data collection is by exchange between service and other professionals working within adoption.

- b) Explain any mechanisms that will allow you to amend or append data that is found to be inaccurate (ie: DQ errors in recording): Council databases are editable and correctable in appropriate circumstances. They are however 'locked down' to prevent unauthorised deletion editing or amending.

Principle 5: Personal data must be kept in an identifiable format for no longer than necessary:

Data to which this transitional arrangement applies will continue to be held by the Council until data retention or deletion schedules are triggered. Data transferred to Adoption West is covered by other documents in the suite of governance arrangements.

Principle 6: Personal data must be protected against unauthorised / unlawful use, accidental loss, damage or destruction:

- a) Explain any technical security measures that will be put in place to protect the data: Security for the named individuals will be no different after status change to before, as access will be in same systems on same IT structure and same hardware. No additional risk is identified by this working arrangement.
- b) Explain how you will make data users (staff) aware of any security measures or procedures they will need to follow: The relevant staff are already employed by the council and will be fully aware and compliant with current security measures.

7. Personal data will be processed in accordance with the individual's data protection rights:

- a) Explain, where relevant, how requests from individuals wanting to exercise their rights, will be managed. Data subjects' requests to implement any of their specific rights will be met by the controller of the relevant data accordingly. Adoption West will transfer any such requests in relation to Wiltshire Council held data, to the Data Protection team at the Council.

8. Personal data will not be transferred outside the European Economic Area (EEA) without guaranteed adequate privacy protections:

It will not.

9. The authority must be able to demonstrate how they are complying with the Data Protection Act 2018 & GDPR:

- a) Explain what (if any) governance documents will be required to support the data processing (eg: Information Sharing Agreements, Data Processor contractual clause etc): In addition to the policies and procedures followed by the Council, a full suite of documents has been created to establish the data processing and

business arrangements of Adoption West as they relate to Wiltshire Council (and the other Local Authorities.) These include a full sharing agreement, a commissioning agreement, a members' agreement, articles of association, and service delivery contract.

5. Identifying and assessing risks

The main focus of the risk assessment within the DPIA is to consider the risks to the interests of the individuals whose data will be processed. Risks may also be intangible (significant social or economic disadvantage) such as the risk of losing public trust. The identified risks are listed below and scored using a standardised risk assessment matrix.

The listed 'agreed actions' have been identified as a way to either **reduce or eliminate** risks identified as **medium or high**. Agreed measures will be factored into implementation plans and will be the responsibility of either the Project Manager or Information Asset Owner to ensure they are completed.

	Describe the <u>source</u> of the risk, the <u>problem</u> it creates and the <u>potential impact</u> on individuals. Focus on data protection compliance risks. Mention corporate risks only as necessary.	Likelihood of harm Remote, possible or probable.	Severity of harm Minimal, significant or severe.	Risk score Low, medium or high.	Agreed action Detail to action that will reduce the risk	Action Owner & due date Name & date	Residual Risk score Low, medium or high.
1	Breach of IT security by external means	Remote	Severe	Medium	Standard IT Security suite	ITC	Low
2	Breach of confidentiality by staff	Remote	Severe	Medium	Trusted staff continuing in role under new employer in partnership TUPE'd over to AW		Low
3							

***If you have accepted any of the above risks you must provide a rationale for doing so in the 'Agreed Actions' column.**

6. Authorisation of DPIA: See Appendix A, Part 6 for guidance.

DPIA copies will be retained by the DPO, Information Asset Owner and within the relevant Project Management records.

a) Approval signatories

Item	Name / role / date	Notes
Risk Reducing Measures approved by Information Asset Owner:	[Redacted]	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by Senior Responsible Officer:	[Redacted]	Acceptance of mitigating actions.
Residual risks approved by XXXXXX (in consultation with IAO):		If accepting any residual high risk, consult the ICO before going ahead
Data Protection Officer approval of DPIA:	[Redacted]	DPO should consider any medium / high residual risks and whether processing can proceed
<p>Summary of DPO advice: This transitional arrangement is for the continued access during the first 3 months of Adoption West's activities for the former council staff to continue to do from day one what they were doing with the same access to data on day minus one. There are no additional risks to the privacy or security of personal data that do not precede this arrangement, and have been mitigated or accepted as minimal.</p> <p>The arrangement is initially for 3 months and will need to be formally extended if there is a need beyond that date.</p>		

b) Residual high risks (complete only if there are any 'high' residual risks):

Item	Name / role / date	Notes
DPO advice accepted or overruled by Senior Information Risk Owner (SIRO):	Robin Townsend 19 th February 2019 [Redacted]	If overruling the DPO's advice you should record your rationale below
SIRO Comments:		

Date and name of person referring DPIA to ICO:		As required by law if any high residual risks remain.
Summary of ICO advice:		

c) Accountability – update of ‘records of processing’:

Information Management Name / role	Information Asset Register	Special Category Data Policy Document	Notes
			Add dates the records were updated.

d) Review of DPIA:

Item	Information Management Name / role / date	Frequency	Notes
DPIA will be kept under review by:	Children’s services and IG	3 months	REVIEW DATE by 1st June 2019