Birmingham City Council

APPENDIX 3

Data Protection Impact Assessment (DPIA) Full DPIA Template

Document Scope

This form only needs completing if the project/programme involves the processing of '**personal data'**: Any information relating to an identified or identifiable natural person.

This form is used following the completion of a **DPIA Screening Question Template** where **ANY** of the answers to the 10 Screening Questions have been answered **YES.**

This document should be accompanied by the **Birmingham City Council DPIA Procedure** which can be used as "**Guidance Notes**" for completing DPIA's.

Where possible, drop-down boxes are used to simplify the process, when completing this document please (*where possible*) add links to documents or embed supporting documents to save replication or duplication.

Contents

DPIA Background

A DPIA (Data Protection Impact Assessment) is a process designed to help you systematically **analyse, identify and minimise the data protection risks of a project or plan**. It is a key part of Birmingham City Council's accountability obligations under the GDPR and Data Protection Act 2018, and when completed correctly helps the Council assess and demonstrate how we comply with all of our data protection obligations.

This procedure is **mandatory** and applies to all employees, councillors, agency staff, contractors or any other persons who are designing or planning to implement changes to processes, or introduce or change systems that involve processing personal or confidential data.

DPIA's must be completed as part of the Council's Information Governance Framework, the standard for managing information in the Council and is aimed at **all** staff.

Responsibility for DPIA's falls under the role of "Information Asset Owners" which are typically Head of Service or AD's, the main person undertaking DPIA's (Screening/Full) will typically be a Project Manager or Programme Manager, supported by a Business Analyst where required and in exceptional cases supported by the Council's Data Protection Officer.

An effective DPIA will allow the Council to identify and fix problems at an early project stage, reducing the associated costs and damage to reputation which might otherwise occur.

The Birmingham City Council Information Governance Framework states that each Assistant Director and/or Head of Service are Information Asset Owners who are accountable for information assets within their business unit. The Information Asset Owner (IAO) is accountable for how it is held, used and shared and assesses risks to the information.

The Senior Information Risk Owner (SIRO) is overall responsible for managing information risk in the Council, ensuring information governance compliance with legislation and Council policies and provides a focal point for managing information risks.

The Caldicott Guardian is responsible for ensuring that all personal/patient identifiable information handled by social care services and public health respectively, are compliant with existing law and standards and they act to safeguard the rights of service users.

The Data Protection Officer will review the assessment. In certain circumstances your project may require the Council's Data Protection Officer to provide advice, criteria which you may need to seek DPO advice on would include: -

- Clarity for a borderline data retention matter (example – what retention period to apply for Child to Adult transitions).
- When a 3rd Party has not clearly identified the cloud storage location or country in which the data resides (example – data resides in non-EU with no Adequacy decision).
- You are unable to fully quantify a risk or provide mitigation.

This will be then be approved by an Assistant Director and/or Head of Service (as the IAO), Senior Information Risk Owner (SIRO), and Caldicott Guardian as appropriate. The basis for sharing must be established and the data protection principles covered.

Any legally binding 'contracts' that include indemnity clauses must be approved by Legal Services. This includes data processing schedules/agreements with suppliers/providers when commissioning services, as well as a sharing agreement that has indemnity clauses included.

Carrying out a DPIA is a continual process, not a one-time or "Tick Box" exercise.

When is a DPIA Appropriate?

A DPIA is required whenever a change to a **"System"** or **"Process"** is *"likely to result in a high risk to individuals"*.

DPIAs will be applied to new projects and data sharing arrangements, because this allows greater scope for influencing how the project will be implemented.

A DPIA can also be useful when planning changes to an existing system

The main purpose of the DPIA is to ensure that privacy risks are minimised while allowing the aims of the project to be met. Conducting a DPIA is a **legal requirement** of the GDPR in certain limited circumstances where there is a high risk to privacy but carrying out an effective DPIA should also benefit the people affected by a project and the organisation carrying out the project.

Project Details

Project Details		
Detail	Name/Reference Number	Notes
Project Name	Housing Conditions Plus Use Case	
Directorate	Information, Technology and Digital Services	
Initial Business Review Reference	TBC	
High Level Business Requirements Reference	None	
High Level Business Case Number	None	

Data Controller Details

Data Controller Details		
		Date of Last Update
Data Controller Details	Birmingham City Council, 10 Woodcock Street, Birmingham, B7 4BL.	15/04/2020

RACI Matrix

Document RACI						
Name	**Role**	**R**	**A**	**C**	**I**	**Organisation**
Surita Solanki	Project Manager	/				BCC
Nathan Thomas	Business Analyst		/			BCC
Nicola Bryant	Programme Manager		/			BCC
Peter Bishop	SIRO				/	BCC
Julie Griffin	Information Asset Owner				/	BCC
Deborah Moseley	Risk Owner/Lead			/		BCC
Malkiat Thiarai	Data Protection Officer			/		BCC
Jacqui Kennedy	Director				/	BCC
	Caldicott Guardian					

Revision Control

Revision Table/Change History					
Version	**Date**	**Author / Editor / Reviewer**	**Details of Change**	**Approved By**	**Date of Approval**
0.1	15/04/2020	Perminder Sandhu	Created - Version 0.1		
0.2	28/07/2020	Perminder Sandhu	Data Sources Updated		
0.3	19/08/2020	Surita Solanki (editor)	Data retention updated		

Full DPIA

The template follows the process that is used in the ICO Data Protection Impact Assessment Guidance.

Step 1: Describe the Desired Outcome

Project Objective		
1	**What does the Project aim to achieve?**	• Apply Data Science (DS) to profile Housing across Birmingham against 6 criteria sufficient to determine if Selective Licensing may be required, and based on a Cloud platform capability.
2	**Why do you want it?**	• Profile all tenures of Housing within Birmingham, including but not limited to, Private Sector Rented (PSR), Public Sector (Local Authority, Housing Association, Charity…), and Owner Occupied, against 6 statutory criteria; Low Housing Demand, Significant and Persistent Anti-Social Behaviour (ASB), Poor Housing Conditions, High Levels of Migration, High Levels of Deprivation, High Levels of Crime.
3	**When do you want it for? (**When will processing of the data commence)	• May 2020
4	**When was the need for a full DPIA identified?**	Date of screening 15/04/2020

Step 2: Describe the Processing (Link to Data Flow Diagram/Document)

The nature of the processing			
1	**What Types of Data will be collected?** *(Tick Boxes Provided)*	Name	☐
		Personal phone number	☐
		Languages	☐
		National ID card details	☐
		Social security number or other national identifiers	☐
		Sex	☒
		Work permit (foreign employees)	☐
		Bank account	☐
		CV/résumé/work experience	☐
		Evaluation/annual appraisal	☐
		Sick days	☐
		Video images from security cameras	☐
		Data re monitoring of internet use	☐
		Electronic identification data: IP address, log-in data, cookies, ...	☐
		Data on retirement/pension	☐
		Working conditions	☐
		Family composition: information on partner, children, …	☒
		Political opinions	☐
		Home address (postcode only)	☒
		Work phone number	☐
		Place of birth	☒
		Passport details copy of passport	☐
		Driver's license details Copy of driver's license	☐
		Religion	☐
		Insurances	☐
		Credit card details	☐
		(Labour) union membership	☐
		Registered work hours/badging log	☐
		Personal health/medical info	☒
		Biometrics (finger print, retinal scan)	☐
		Data re monitoring of work e-mail use	☐
		Electronic localization data: cell phone, GPS, ...	☐
		Date of entry into service	☐
		Sound recordings (e.g. recorded telephone conversations, ...)	☐
		Leisure time activities and interests: hobbies, sports, …	☐
		Data of sex life or sexual orientation	☐
		Personal e-mail address	☐

		Birthday/age	☒
		Nationality	☒
		Copy of ID card	☐
		Personal information about spouse/partner/children	☐
		Marital status	☐
		Wage/salary	☒
		Education level/diplomas	☒
		Training during employment	☐
		Leave/holidays	☐
		Criminal convictions/offences	☐
		Pictures/images	☐
		Data re monitoring of private e-mail use	☐
		Function grid	☐
		Place of work	☐
		Physical data: height, weight, and so on	☐
		Data revealing racial or ethnic origin	☒
		Memberships	☐
		Other (Not Listed) Please provide detail below: -	☐
2	**How will you collect the data?**	• Extract from existing BCC LOB systems. • Open Data from various sources.	

3	**How will you use the data?**	• Apply advanced data analytics techniques, tools and technologies including:
		  o Data Visualisation
		    ▪ Mapping of geospatial data
		  o Descriptive Analysis
		    ▪ Profile of current criteria status
		  o Diagnostic Analysis
		    ▪ Assist decision making against criteria
		  o Predictive Analytics
		    ▪ Identifying potential future trends
		  o Machine Learning
		    ▪ Assisting predictive analytics	

4	**How will you store data?**	• Utilising both on-premise and Cloud facilities:
		  o Fully encrypted in transit and at rest within a secure MS Azure data warehouse in the UK with full access rights management and audit trail.
		  o Fully encrypted in transit and at rest within a secure BCC Oracle database in the UK with full access rights management and audit trail.	

5	**How will you erase or delete data in the**	• Only anonymised data will be used.	

6	**What is the source of the data?**	- BCC Systems - Abritas

Table: HOUSING_ABRITAS

Shows data from Abritas system.

Column Name	Comments
ROW_ID	AUTOGENERATED
POSTCODE	ORIGINAL DATA
APPLICATION_START_DATE	ORIGINAL DATA
APPLICATION_END_DATE	ORIGINAL DATA

-
  - Housing Homeless

Table: HOUSING_HOMELESS

Shows data related to housing for homeless people.

Column Name	Comments
ROW_ID	AUTOGENERATED
CONTACT_POSTCODE	ORIGINAL DATA
HOMELESS_OPTION	ORIGINAL DATA
HOMELESS_REASON	ORIGINAL DATA
TENANCY_TYPE	ORIGINAL DATA
TENANCY_START_DATE	ORIGINAL DATA
TENANCY_END_DATE	ORIGINAL DATA
TENANCY_POSTCODE	ORIGINAL DATA
WARD	ORIGINAL DATA

-
  - RBIS Revenues

Table: RBIS_REVENUES_CTPAYER
Row count: 371,792

Column Name	Comments
SOURCE_ID	AUTO GENERATED
POSTCODE	ORIGINAL DATA

-

Table: RBIS_REVENUES_OCCUPIER
Row count: 563,821

Column Name	Comments
SOURCE_ID	AUTO GENERATED
POSTCODE	ORIGINAL DATA

-

Table: RBIS_REVENUES_EVENTS
Row Count: 388,118

Column Name	Comments
SOURCE_ID	AUTO GENERATED
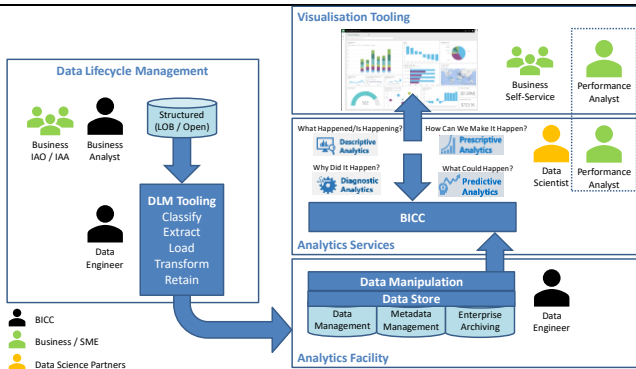
POSTCODE	ORIGINAL DATA
RESPONSIBILITY_TYPE	ORIGINAL DATA
CURRENT_BAND	ORIGINAL DATA
CURRENT_BAND_TYPE	ORIGINAL DATA
COUNCIL_PROPERTY_IND	ORIGINAL DATA
CROWN_ESTATE_IND	ORIGINAL DATA
MULTIPLE_OCCUPATION_CLASS	ORIGINAL DATA
CURRENT_DISC_IND	ORIGINAL DATA
CURRENT_DISC_TYPE_DESC	ORIGINAL DATA

-
- RBIS Benefits

TABLE: RBIS_BENEFITS_PERSON
Row Count: 449,760

Column Name	Comments
SOURCE_ID	AUTO GENERATED
POSTCODE	ORIGINAL DATA

-

TABLE: RBIS_BENEFITS_EVENTS
Row count : 266,608

Column Name	Comments
SOURCE_ID	AUTO GENERATED
CLAIM_TYPE	ORIGINAL DATA
CLAIM_START_DATE	ORIGINAL DATA
CLAIM_END_DATE	ORIGINAL DATA

- Open Data
  - Crime
    - https://data.police.uk/data/
    - Monthly crime, stop and search, and outcomes data. Available from December 2016 to November 2019 for West Midlands Police.
  - Deprivation
    - https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019
    - 2019 deprivation, deprivation domains and sub-domains data, based on 2011 LSOA grouping.
  - Migration
    - https://www.gov.uk/government/collections/migration-statistics

		o https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration
		
		o Statistics on migration from Home Office and ONS from 2011.
		
		• Land Registry
		
		    o https://use-land-property-data.service.gov.uk/
		
		    o Datasets about all registered land and property in England and Wales from 1995.

7	**Will the data be shared, if so who with?**	Yes Birmingham City University (BCU)
8	**If 'Yes', who will you share it with? (3rd Parties, Agencies, Other Departments)**	• BCU in accordance with the Data Science Collaboration Agreement and Data Sharing Agreement.
9	**Do you have a data flow schematic? (Data Flow)**	Yes
10	**If you have a data flow schematic, please insert here**	
11	**How long will you keep the data for?** (retention)	• The Data Minimisation Principle will be applied and wherever possible any Personal Data will be anonymised and retained until 1st December 2020 for historic and research purposes. • Where Personal Data cannot be anonymised any data retained will be for the relevant period stipulated in the BCC Data Retention Policy and Schedule.
12	**Are you using any new technologies?** *(New to Market or New to BCC)*	Yes

	The scope of the processing	
1	**What is the nature of the personal data?**	• Potential personal data provided by Directorates related to and allowing profiling of all tenures of Housing within Birmingham, including but not limited to, Private Sector Rented (PSR), Public Sector (Local Authority, Housing Association, Charity…), and Owner Occupied. •
2	**Does the data include any special category or criminal offence data?** *(Link to Special Category Data Description)*	Yes
3	**How much data will be collected (Estimated Number of records)?**	• 10 TB total data based on combined file sizes of collated data.
4	**How much data will be processed?**	• Up to 1 TB data based on combined file sizes of transformed data.
5	**How often will data be collected?**	• Once only from each LOB system
6	**How often will data be used? (Frequency of Processing)**	• Daily
7	**How long can the data be kept for? (Corporate Retention Schedule - CRS Reference #)**	• Wherever possible any Personal Data will be anonymised and retained indefinitely for historic and research purposes. • Where Personal Data cannot be anonymised any data retained will be for the relevant period stipulated in the BCC Corporate Retention Policy and Schedule.
8	**What geographical area does the data cover?**	• Birmingham City Council Metropolitan District (2020).

	Context of the processing	
1	**What is the Source of the Data?**	• BCC LOB Systems • Open Data
2	**What is the nature of your relationship with the individuals (Data Subjects)?**	• Local Authority.
3	**How much control will Data Subjects have?**	• No Personal Identifiable Data is being used but Data subjects Rights are maintained if any Personal Identifiable Data is used.
4	**Would Data Subjects expect you to use their data in this way?**	• Yes, citizens would expect BCC to use data to improve Housing conditions within Birmingham across all tenures.
5	**Do they include children or other vulnerable groups?**	Yes
6	**Are there prior concerns over this type of processing or security flaws?**	• Ethical concerns relating to combining data.
7	**Is it novel in any way?**	Yes
8	**What is the current state of technology in this area?**	• Profiling of region-wide characteristics is well established in Public Health and other fields.
9	**Are there any current issues of public concern that you should factor in?**	• Potential Ethical considerations.
10	**Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?**	• No

	The purposes of the processing	
1	**What do you want to achieve? (Intended Outcome)**	• Demonstrate how each of the statutory criteria has been met in relation to each of the conditions as set out in part 3 of the Housing Act 2004 or if

		applying under housing conditions, migration, deprivation or crime the criteria set out in the Selective Licensing of Houses (Additional Conditions) (England) Order 2015/977 addressing each limb and providing evidence and analysis.
2	**What is the intended effect on individuals?**	• Potentially improved Housing conditions for Birmingham citizens across all tenures.
3	**What are the benefits of the processing – for BCC, and more broadly?**	• Profile Housing across Birmingham against 6 criteria sufficient to determine if Selective Licensing may be required. • Potentially more efficient reporting of the Local Authority Housing Statistics for BCC: (https://www.gov.uk/government/statistical-data-sets/local-authority-housing-statistics-data-returns-for-2018-to-2019)

Step 3: Consultation Process

Consultation		
1	**Is consultation needed?**	Yes
2	**If 'No', why?**	
3	**Who have you consulted with?**	Internal • Lisa Morgan, Information Solicitor • Malkiat Thiarai, Data Protection Officer External • Brendan Collins, Policy Advisor, MHCLG
4	**How many have you consulted with?**	Internal • 2 External • 1
5	**How did you carry out consultation?**	• Meetings
6	**When did you carry out the consultation?**	• January 2020

NB
You can use consultation at any stage of the DPIA process.

https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-officers/

In exceptional cases Birmingham City Council may need to seek the advice of the ICO (*but not before consulting or escalating to the Information Governance Team and the Data Protection Officer*).

Step 4: Assess necessity and proportionality

	The purposes of the processing	
1	**What is your lawful basis for processing?**	Public Interest"The Government review of Selective Licensing 'An Independent Review of the Use and Effectiveness of Selective Licensing' page 43 gives guidance on the use of pooled data from across BCC and other organisations to evidence the size of the private rented sector and associated issues.6.5 Section 237 of the Act states: Use of information obtained for certain other statutory purposes (1)A local housing authority may use any information to which this section applies—(a)for any purpose connected with the exercise of any of the authority's functions under any of Parts 1 to 4 in relation to any premises, or(b)for the purpose of investigating whether any offence has been committed under any of those Parts in relation to any premises.(2)This section applies to any information which has been obtained by the authority in the exercise of functions under—(a)section 134 of the Social Security Administration Act 1992 (c. 5)(housing benefit), or(b)Part 1 of the Local Government Finance Act 1992 (c. 14) (council tax).[(3) The Secretary of State may by regulations amend this section so as to change the list of purposes for which a local housing authority in England may use information to which it applies.] 6.6 It is notable that 2(a) and (b) above cover housing benefit and council tax. One local authority in which Universal Credit was rolled out in 2016 explained that the impact of no longer being able to obtain housing benefit data as a source of intelligence to inform their scheme was negatively affecting its effectiveness. Since universal credit replaces housing benefit, amending legislation to allow authorities access to this information in support of a licensing designation would seem appropriate."

2	**Does the processing actually achieve your [purpose](#)?**	• Yes. It allows profiling of Housing across Birmingham against 6 criteria sufficient to determine if Selective Licensing may be required.
3	**Is there another way to achieve the same outcome?**	• No
4	**How will you prevent function creep?**	• The Housing Conditions Plus Use Case is reported to the Insight Programme Governance Board. • The Government review of Selective Licensing 'An Independent Review of the Use and Effectiveness of Selective Licensing' gives clear scope guidance.
5	**How will you ensure data quality and data minimisation?**	• By working closely with the relevant IAO and business subject experts.
6	**What information will you give individuals?**	• Update BCC Privacy Notice on BCC website.
7	**How will you help to support [Data Subjects Access Rights](#)?** 1. The Right to be Informed 2. The Right of Access 3. The Right to Rectification 4. The Right to Erasure 5. The Right to Restrict Processing 6. The Right to Data Portability 7. The Right to Object 8. Rights in relation to automated decision making and profiling	• Only anonymised data is used, but in cases where Personal Data may be used all Data Subject rights are maintained except Right to Erasure, and Right to Data Portability, which do not apply for the lawful basis of Public Interest.
8	**What measures do you take to ensure processors comply?**	• Data Sharing Agreement.
9	**How do you safeguard any international transfers?**	• No international transfers planned or expected. • All data encrypted, secured with role-based Access Rights Management, and full audit trail.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. (***Review BCC Risk Management Framework – BCC Intranet***)	Likelihood of harm Remote, possible or probable	Severity of harm Minimal, significant or severe	Overall risk Low, medium or high
1 Risks of harm and/or distress to individuals	Remote	Minimal	Low
2 Risk of sanction for non-compliance and/or statutory obligations	Remote	Minimal	Low
3 Risk to Service Delivery and/or Business Operations	Remote	Minimal	Low
4 Risk to Reputation	Remote	Minimal	Low
5 Risk to Personal Safety	Remote	Minimal	Low
6 Risk to Commercial or Economic Interest	Remote	Minimal	Low
7 Risk of Financial Loss	Remote	Minimal	Low
8 Any other risk Click here to enter text.			

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5			Effect on risk Eliminated, reduced, accepted	Residual risk Low, medium, high	Measure approved Yes/no
	Risk	**Options to reduce or eliminate risk**			
1					
2					

Step 7: Sign off and record outcomes

In certain circumstances your project may require the Council's Data Protection Officer to provide advice, criteria which you may need to seek DPO advice on would include: -

- Clarity for a borderline data retention matter (example – what retention period to apply for Child to Adult transitions).
- When a 3rd Party has not clearly identified the cloud storage location or country in which the data resides (example – data resides in non-EU with no Adequacy decision).
- You are unable to fully quantify a risk or provide mitigation.

In the first instance you should consult with the Business Analyst supporting your DPIA, then look to specialists available in the Information Assurance Team also your Information Asset Owner and finally the Council's Data protection Officer.

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:		DPO should advise on compliance, step 7 measures and whether processing can proceed
Summary of DPO advice:		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons

Comments:		
This DPIA will kept under review by:		The DPO should also review ongoing compliance with DPIA
Review Frequency:		