

# Privacy Impact Assessment

## Introduction

The Council handles information about individuals, such as residents, service users and its staff. A privacy impact assessment (PIA) is a process which helps the Council to assess privacy risks to individuals in the collection, use and disclosure of information. They help identify privacy risks, foresee problems and bring forward solutions.

## Purpose

There are a number of reasons why the Council needs to conduct a PIA for its projects:

- To identify privacy risks to individuals
- To identify privacy and data protection liabilities for the Council
- To protect the Council's reputation
- To instil public trust and confidence in it's services and new projects

By conducting a PIA, the Council will identify and manage privacy risks appropriately whilst also understanding the type of information which is being included in projects.

## Procedure

The first step in the process is to identify the need for a PIA. The screening questions are designed to help responsible officers to decide if a PIA is necessary and they are also designed to be used by project managers and other staff who are not familiar with data protection or privacy matters. The screening questions allow 'non-experts' to identify the need for a PIA as they are best placed within the Council to understand the types of information being processed.

For all new projects or changes in processes (or any activity which could have an impact on the privacy of individuals), the screening record form must be completed and signed off by the Chief Officer (or delegated officer) to show that the Council have considered the types of information being processed.

In some cases a PIA isn't required however justification for not completing the assessment must be recorded on the screening form as part of the audit trail.

Where the screening form indicates that a PIA should be completed, the template provides key privacy risks which the responsible officer will need to apply to the project/change in process and assess the risk as described in Appendix A of the template. It is usual for an officer involved with the project/change in process to complete the PIA however final sign off by the Chief Officer (or delegated officer) is required is required.

## Definitions

A **Project** is a new project or any change in process regarding the handling of Personal Information; it includes obtaining, recording, holding/storing, disclosing, transmitting or disseminating personal information. Any activity which could have an impact on the privacy of individuals.

**Personal Information** is any information which relates to a living individual who can be identified – (a) from that information, or (b) from that information and other information which is in the possession of, or is likely to come into the possession of, the Council.

**Sensitive personal information** is personal information (as described above) consisting of information as to –

- a) the racial or ethnic origin of the data subject
- b) his/her political opinion
- c) his/her religious beliefs or other beliefs of a similar nature
- d) whether he/she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- e) his/her physical or mental health or condition
- f) his/her sexual life
- g) the commission or alleged commission by him/her of any offence, or
- h) any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings

VERSION	Version 3
DATE AGREED	November 2012
NEXT REVIEW DATE	November 2014
AGREED BY	Corporate Management Team
COVERAGE	This Procedure applies to Bracknell Forest Council
AUTHOR(S)	Information Management and Security Officer

Amendment to V1 – Penny O’Callaghan – reviewed and refreshed to take into account restructure December 2013

Amendment to V2 – Penny O’Callaghan – inclusion of risk column, rewording of some sections, Appendix A added and additional guidance April 2014

**Screening Record Form for New Project / Change in Process / or any activity which could have an impact on the privacy of individuals**

<b>Date of Screening: 3 March 2015</b>	<b>Directorate Adult Social Care Health &amp; Housing</b>	<b>Section: Public Health</b>
<b>1. Project to be assessed</b>	Online mental health support and counselling service for young people	
<b>2. Officer responsible for the screening</b>	Chris Stannard, PH Programme Manager	
<b>3. What is the Project?</b>	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input checked="" type="checkbox"/> Service <input type="checkbox"/> Organisational change	
<b>4. Is it a new or existing handling of Personal Information?</b>	<input checked="" type="checkbox"/> New <span style="float: right;"><input type="checkbox"/> Existing</span>	
<b>5. Personal Information involved</b>	<input checked="" type="checkbox"/> Personal Information (information about an identifiable individual) See definitions <input checked="" type="checkbox"/> Sensitive Personal Information (such as health information or information about any offence) (*also tick Personal Information) See definitions <input type="checkbox"/> Over 1,000 records of Personal Information	
<b>6. Type</b>	<input checked="" type="checkbox"/> Collecting new Personal Information <input type="checkbox"/> Re-using existing Personal Information <input checked="" type="checkbox"/> Sharing Personal Information with another organisation <input checked="" type="checkbox"/> The project uses new or additional information technologies which have the potential for privacy intrusion	
	<b>If two boxes are ticked at section 5 and one box at section 6 a full Privacy Impact Assessment should be undertaken.</b>	
<b>7. Summary of the business case justifying the Project</b>	Please describe briefly its aims, objectives and main activities as relevant.  To provide a comprehensive, confidential and professional online counselling support and advice service to young people aged 11 – 19 years. Young people identified by schools, GPs, CAMHs, or Youthline counsellors working with young people where face-to-face counselling is not working and its agreed that online support would be beneficial. This project will contribute to a reduction in the demand	

	on CAMHS and waiting lists, by providing professional counselling and access to advice and resources at a much earlier stage to help prevent escalation of concerns.		
<b>8. On the basis of sections 5 and 6 above is a full impact assessment required?</b>	Y	N	Please explain your decision. If you are not proceeding to a full Privacy Impact Assessment make sure you have the evidence to justify this decision should you be challenged.
<b>9. If a full Privacy Impact Assessment is not required; what action will be taken to reduce and avoid privacy intrusion? Please complete the action plan in full, adding more rows as needed.</b>			
<b>Action</b>	<b>Timescale</b>	<b>Person Responsible</b>	<b>Milestone/Success Criteria</b>
<b>10. Chief Officer / Head of Service (or delegated officer's) signature.</b>	Signature:		Date:

When complete please retain on the file and send a copy to Legal Services

**Have you considered whether you need to do an Equality Impact Assessment?**



**Privacy Impact Assessment Template for New Project / Change in Process / or any activity which could have an impact on the privacy of individuals**

The following should be completed and retained on the file with a copy provided to Legal Services

Project name	Online Mental Health Support and Counselling for Young People
Department	Public Health, Adult Social Care Health & Housing
Chief Officer / Head of Service (or delegated officer)	Dr Lisa McNally, Consultant in Public Health
Are members of the public in favour of the project, if so, provide details and refer to supporting evidence	<p><b>YES.</b></p> <p>1. In 2013, Mindfull commissioned an independent YouGov survey of a representative sample of over 2,000 young people aged 16 – 25 asking them to reflect on their experiences of mental health before they were 16 years old.</p> <p>Key findings were:-</p> <ul style="list-style-type: none"> <li>• 52% of those young people who said they have ever had a mental health problem did not speak out because they were embarrassed. 30% said that they didn't want to be a burden.</li> <li>• 47% of those who showed symptoms of depression according to NHS criteria when they were under 16, and spoke to people about it, never got the help they wanted</li> <li>• 79% think it is important for young people to be encouraged to talk about their mental health</li> <li>• 76% of young people who have ever had mental health issues think that putting mental health services online is an effective way to tackle mental health issues.</li> </ul> <p>2. <u>Counselling Psychology and the Internet: review of quantitative research into online outcomes and alliances within text-based therapy (Hanley T, D'Arcy J and Reynolds Jr, 2009)</u></p> <p>This literature review concluded that the internet shows great promise</p>

for counselling psychology interventions, with both successful outcomes and strong therapeutic alliances being reported. The evidence in this relatively new field of study is sparse compared to the body of research around face-to-face counselling.

Key findings from the review:-

1. Popularity of technology and high use of social media by majority of young people
2. Young people (especially boys) are reluctant to seek help for their mental health concerns, either not wanting to be a burden or feeling they can sort the problem out themselves
3. Effectiveness: Online counselling showed medium effect, same effect size as face-to-face therapy
4. Communication: Lack of visual cues can be a barrier but services and clients can enhance communication online by use of avatars to create a visual presence and emoticons to indicate mood/state of mind. Clients tend to be more disinhibited online than face to face.
5. Views of therapists:
  - Therapists have expressed mixed views about the effectiveness of online counselling to develop the therapeutic relationship
  - Online counsellors need extensive experiences of working with people off-line
  - Important concerns about safety and informed consent if client is a minor. Ensure BACP ethical guidelines are in place.
  - Must have adequate duty of care for aftercare support and robust pathways to local services

## 2. Local Evidence

Online mental health support and counselling for young people has been commissioned in Bracknell Forest since April 2015. Quarterly reports suggest that the service is meeting the needs of young people in our area, with a steady growth in the number of young people accessing the service, (1400 new registrations in total) and consistently high average satisfaction scores.

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### **Instructions for completion**

Some cells within the assessment have already been completed and you will need to complete the following cells:

**Answer:** This response should relate to the question being asked and confirm whether existing controls are already in place e.g. Q1, Yes – Council documentation includes a statement which details how the information will be used and who it will be shared with or No – The Council hasn't informed the individual yet.

**Assessment of risk:**

In the Assessment of Risk column, score the risk in terms of **Likelihood** and **Impact** using the matrix in **Appendix A** as a guide.

By plotting the numbers on the matrix, you will be scoring them against CMT's tolerance level and you will be able to determine if they are classed as green, amber or red. Enter the appropriate colour in the **Tolerance** cell.

**Corrective action/recommendation:** You will be able to complete this once you have scored the risk.

Green risks – no further action is required as the risk is at a suitable level

Amber risks – You may need to take further action in an attempt to mitigate the risk down to a green. Fill in the cell if this action is appropriate and consider whether the risk is acceptable at its current level.

Red risks – These are significant risks where attention is required and cannot be tolerated at that current level. You will need to take corrective action to mitigate against the risk.

**Priority:** This column relates to the priority of the corrective actions and generally should be assessed as:

Red risks – Priority 1 (High)

Amber risks – Priority 2 (Moderate)

Green risks – Priority 3 (Low)



## Privacy Impact Assessment

Category 1: Purpose Specification						
Question	Rationale	Answer (Yes/No/N/A)	Risk	Assessment of risk	Corrective action / recommendation	Priority (1,2,3)
1. If personal information is collected will the individual be informed of how it will be used and who, if anyone, it may be shared with?	The purpose of information collection should be stated when the data is collected. Subsequent data use should be limited to stated or compatible purposes. Making your purpose statement available to the public provides greater openness.	YES	Use of data is not restricted to the original intended purpose or compatible purpose communicated to the individual.-	Likelihood score:1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 3		
				Tolerance colour: GREEN		
2. Is this project needed to deliver services to the public? If not, processing should be with the person's freely given consent.	The Council can process personal information in order to fulfil its statutory responsibilities. If it is not necessary in order to provide a statutory service, the processing should be with the person's freely given consent.	NO the service is not a statutory responsibility	Consent is not obtained as required.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information	
				Impact score: 3		
				Tolerance colour: GREEN		

					governance systems and procedures in relation to confidentiality	
3. Have the pieces of information the Council needs to collect to fulfil the project's purpose been identified.	Only the amount and type of data needed to achieve a project's purpose should be collected.	Yes	Data is collected that is in excess of what is strictly required to deliver the project. objectives	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 2		
				Tolerance colour: GREEN		
4. Will there be a review of whether the pieces of information collected are still needed?	Privacy is promoted when the Council reviews whether excessive information is being collected and acts accordingly.	Yes	Regular reviews are not undertaken to confirm that information still needs to be collected or retained.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in	
				Impact score: 2		
				Tolerance colour: GREEN		

					relation to confidentiality	
<b>Category 2: Collection Specification</b>						
<b>Question</b>	<b>Rationale</b>	<b>Answer (Yes/No/N/A)</b>	<b>Risk</b>	<b>Assessment of risk</b>	<b>Corrective action / recommendation</b>	<b>Priority (1,2,3)</b>
5. Will the Council only collect the personal information that is needed for the system's purpose?	The Council should not collect personal information it does not need. Limiting the collection minimises the possible use of inaccurate, incomplete or outdated information. It also reduces the information that can be compromised should a breach occur.	Yes	Data is collected that is in excess of what is strictly required to meet the purpose of the system.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 2		
				Tolerance colour: GREEN		
6. Will the personal information be obtained by consent? If not, provide details.	Information should be obtained by consent or in a way that is not inappropriately intrusive.	Yes	Consent is not obtained for the information collected.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 3		
				Tolerance colour: GREEN		

<b>Category 3: Records Management</b>						
<b>Question</b>	<b>Rationale</b>	<b>Answer (Yes/No/N/A)</b>	<b>Risk</b>	<b>Assessment of risk</b>	<b>Corrective action / recommendation</b>	<b>Priority (1,2,3)</b>
7. Will there be procedures in place to verify data is accurate, complete, and current?	The Council are required to keep information accurate and when appropriate, up to date. The Council must make reasonable efforts to minimise the possibility of using inaccurate, incomplete, or outdated information.	Yes	Procedures and controls do not ensure that data is accurate, complete and up to date.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 3		
				Tolerance colour: GREEN		
8. Will information be retained for no longer than necessary? Does the Retention Schedule need to be amended/updated as a consequence of this project?	The Council must not keep personal information for longer than necessary and has a Records Retention Schedule which should be complied with. If amendment is needed to this Schedule, please submit a request form; available at the last page of the Schedule.	Yes -it will only be retained for as long as needed. The retention schedule does not need to be updated for the purposes of this contract	Personal information is not removed when it is no longer required.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality	
				Impact score: 2		
				Tolerance colour: GREEN		

<p>9. Will there be a procedure to provide notice of correction or modification of information to third parties (if any)?</p>	<p>The Council may want to consider establishing logs and audit trails to identify users and third parties that received personal information. This would allow the Council to notify down-the-line users when data are modified from those originally transmitted.</p>	<p>children and young peoples data is normally anonymised. When there is the need to share personal data with third parties (for example) social workers, CAMHs) this is done preferably with the consent of the young person with the exception of the need to breach for safeguarding reasons. In cases where the provider is working with a young person alongside another agency, information sharing protocols will be</p>	<p>There is no clear trail to identify who has been provided with data and end users could potentially be using data that is out of date.</p>	<p>Likelihood score: 2</p> <hr/> <p>Impact score: 3</p> <hr/> <p>Tolerance colour: Amber</p>	<p>Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality.</p> <p>Required reporting to Commissioner on cases of information sharing with other parties to provide assurance</p>	
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		implemented, with the young persons consent.				
<b>Category 4: Use Limitation</b>						
<b>Question</b>	<b>Rationale</b>	<b>Answer (Yes/No/ N/A)</b>	<b>Risk</b>	<b>Assessment of risk</b>	<b>Corrective action / recommendation</b>	<b>Priority (1,2,3)</b>
10. Will the use or disclosure of personal information limited to the purposes it was collected for?	Personal data must be collected for specified, explicit, and legitimate purposes and not used in a way that is incompatible with those purposes.	Yes	Personal information is used or disclosed for purposes not intended when it was originally collected.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality.  Required reporting to Commissioner on cases of information sharing with other parties to provide assurance	1
				Impact score: 4		
				Tolerance colour: AMBER		
11. Will access to personal information be limited to staff/contractors that need the data for their	Employee/contractor access can be limited by policies and procedures or system design. User access should be limited to the information that each employee needs	Yes	The security of information is not sufficiently robust to ensure it can only be accessed by employees/contractors	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.	1
				Impact score: 4		

work?  If so, describe how.	for official duties.		ctors who need the data for their work.	Tolerance colour: AMBER	Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality.  Required reporting to Commissioner on cases of information sharing with other parties to provide assurance	
<b>Category 5: Security Safeguards</b>						
<b>Question</b>	<b>Rationale</b>	<b>Answer (Yes/No/N/A)</b>	<b>Risk</b>	<b>Assessment of risk</b>	<b>Corrective action / recommendation</b>	<b>Priority (1,2,3)</b>
12. Will there be appropriate technical security measures in place to protect data against unauthorised access or disclosure?	The Council are required to have appropriate technical and organisational measures in place to ensure personal information is protected from unauthorised access, unlawful processing, accidentally loss or destruction of, or damage to personal information.	Yes	System access controls are not sufficiently robust to prevent unauthorised access or disclosure.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in relation to confidentiality.	1
				Impact score: 4		
				Tolerance colour: AMBER		
13. Will there be appropriate physical security in place?	Technical security receives more attention, but physical security is also important.	Yes	Physical access controls are not sufficiently robust to prevent unauthorised access or disclosure.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's information governance systems and procedures in	1
				Impact score: 4		
				Tolerance colour: AMBER		

					relation to confidentiality.  The service specification will include a clear statement about the need for a provider to have robust physical security measures in place.	
14. Will mechanisms be in place to identify: <ul style="list-style-type: none"> <li>• Security breaches?</li> <li>• Disclosure of personal information in error?</li> </ul>	The Council has an Incident Management Reporting Procedure but it should also consider plans to identify security breaches (such as audit trails) or inappropriate disclosures of personal information. Mechanisms should be established to quickly notify affected parties so they can mitigate collateral damage.	Yes	Culture, training and communication of policies and procedures for reporting incidents do not ensure that all significant breaches are reported to the Information Security Officer.	Likelihood score: 1	BFC Information Security lead will be asked to review provider's ICT specification and procedures prior to contract commencement.  Regular checks on the robustness of the Provider's training and procedures for reporting incidents	
				Impact score: 4		
				Tolerance colour: AMBER		

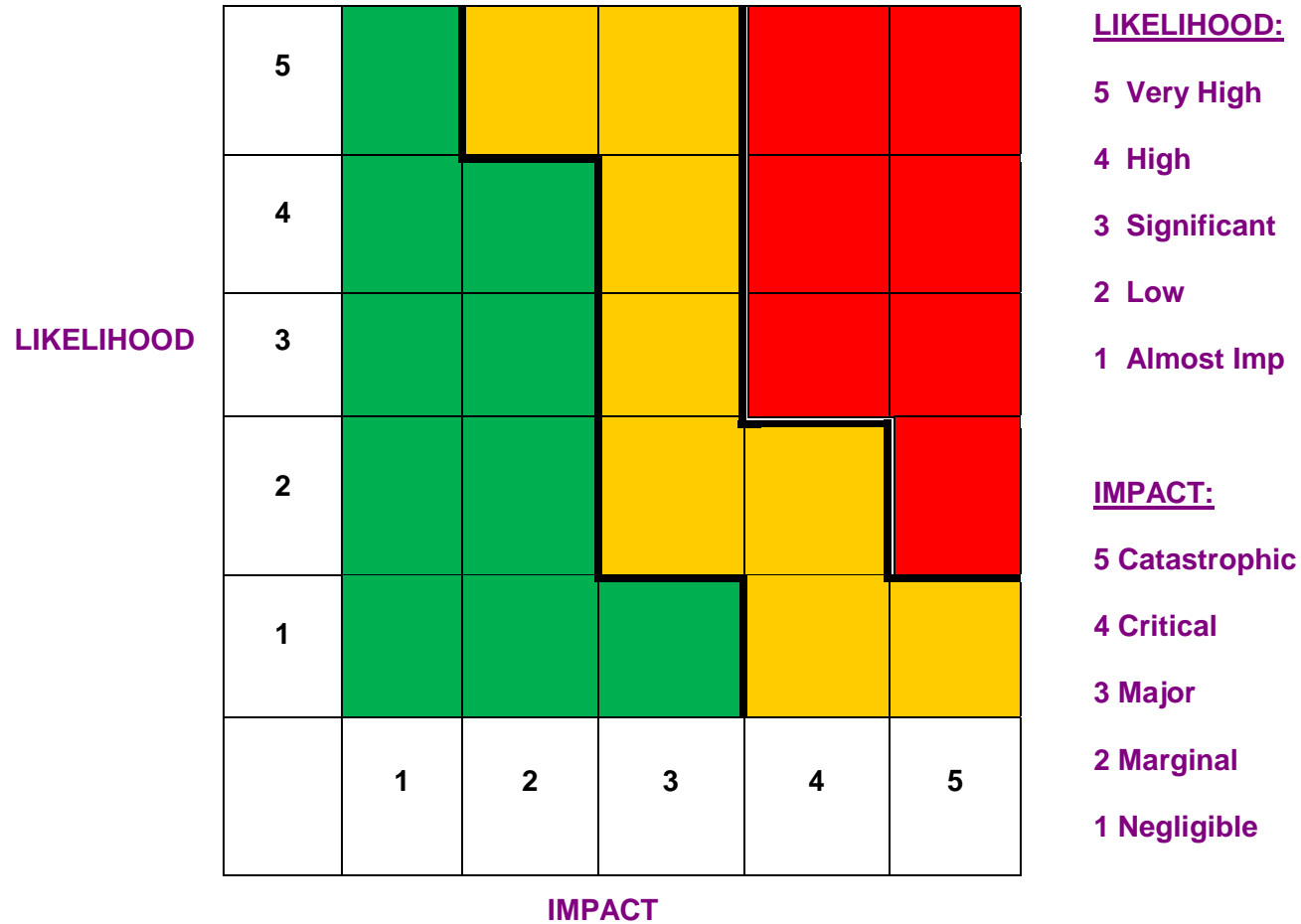


**Conclusion**

<p><b>Comments of Chief Officer/Head of Service</b></p>	
<p><b>Approved by Chief Officer/Head of Service</b></p> <p><b>Date:</b></p>	<p>In my view the [potential] privacy intrusion of this project are justified, necessary and proportionate. I agree that the issues raised in this assessment should be addressed</p>

**Appendix A**

We do not have the resources to manage every risk so we need to establish what risks are most likely to happen and what the impact will be. This allows us to focus our efforts on the highest risks. A Council wide scoring methodology of impact and likelihood has been developed to help establish if risks are above the tolerance level determined by CMT. This is set out in the simple risk matrix below:



The scoring of risks is a judgement based assessment but the following can be used as a guide for assigning scores to risks.

#### CRITERIA FOR ASSESSING LIKELIHOOD

PROBABLILTY	SCORE	DEFINITION
Almost impossible	1	Rare (0-5%).The risk will materialise only in exceptional circumstances.
Low	2	Unlikely (5-25%). This risk will probably not materialise.
Significant	3	Possible (25-75%). This risk might materialise at some time
High	4	Likely (75-95%). This risk will probably materialise at least once.
Very High	5	Almost certain (>95%). This risk will materialise in most circumstances.

**Note: the timeframe over which the risk should be assessed should usually be the one-year time frame of the Service Plan or the life of a particular Project/Programme or Partnership – dependent upon the level of risks being considered.**

**CRITERIA FOR ASSESSING IMPACT**

	<b>Negligible</b>	<b>Minor</b>	<b>Major</b>	<b>Critical</b>	<b>Catastrophic</b>
<b>Score</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Disruption to established routines/operational delivery</b>	No interruption to service. Minor industrial disruption.	Some disruption manageable by altered operational routine.	Disruption to a number of operational areas within a location and possible flow to other locations.	All operational areas of a location compromised.  Other locations may be affected.	Total system dysfunction.  Total shutdown of operations
<b>Damage to reputation</b>	Minor adverse publicity in local media.	Significant adverse publicity in local media.	Significant adverse publicity in national media.	Significant adverse publicity in national media. Senior management and/or elected Member dissatisfaction.	Senior management and/or elected Member resignation/removal.
<b>Security</b>	Non notifiable or reportable incident.	Localised incident. No effect on operations.	Localised incident. Significant effect on operations.	Significant incident involving multiple locations.	Extreme incident seriously affecting continuity of operations.
<b>Financial (Organisation as a whole or any single unit)</b>	<1% of monthly budget	>2% of monthly budget	<5% of monthly budget	<10% of monthly budget	<15% of monthly budget

	<b>Negligible</b>	<b>Minor</b>	<b>Major</b>	<b>Critical</b>	<b>Catastrophic</b>
<b>Score</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>General environmental and social impacts</b>	No lasting detrimental effect on the environment i.e. noise, fumes, odour, dust emissions, etc. of short term duration	Short term detrimental effect on the environment or social impact i.e. significant discharge of pollutants in local neighbourhood.	Serious local discharge of pollutants or source of community annoyance within general neighbourhood that will require remedial attention.	Long term environmental or social impact e.g. chronic and significant discharge of pollutants.	Extensive detrimental long term impacts on the environment and community e.g. catastrophic and/or extensive discharge of persistent hazardous pollutants.
<b>Corporate management</b>	Localised staff and management dissatisfaction.	Broader staff and management dissatisfaction.	Senior management and /or elected Member dissatisfaction. Likelihood of legal action.	Senior management and/or elected Member dissatisfaction. Legal action.	Senior management and/or elected Member resignation/removal.
<b>Operational management</b>	Staff and line management dissatisfaction with part of a local service area.	Dissatisfaction disrupts service.	Significant disruption to services.		Resignation/removal of local management.
<b>Workplace health and safety</b>	Incident which does not result in lost time.	Injury not resulting in lost time.	Injury resulting in lost time. Compensatable injury.	Serious injury /stress resulting in hospitalisation.	Fatality (not natural causes)