

DATA PROTECTION IMPACT ASSESSMENT

Title of DPIA: **Managed Service for the Provision of
Agency Workers**

Data Protection Impact Assessments (DPIAs) are a tool which can help the Council identify the most effective way to comply with its data protection obligations under Article 35 of the GDPR.

Version 2.0

June 2018

To be completed by you	
Title of DPIA	Managed Service for the Provision of Agency Workers
Name	Hilary Evans
Email	Hilary.evans@denbighshire.gov.uk
Contact Number	01823 712537
Information Asset Owner	
Is this a change to an existing process?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Anticipated go live date	September 2023

VERSION:	One
DATE	27 th March 2023

Data Protection Impact Assessment (DPIA) Tool

When completed, the DPIA should be stored by you and updated as and when.

It should be referred onto Lisa Jones, Alan Smith and Craig Berry for a decision, should the residual risk be High.

Data Protection Impact Assessments (DPIAs) are a tool which can help the Council identify the most effective way to comply with its data protection obligations. The concept of a Data Protection Impact Assessment is introduced into UK law by Article 35 of the GDPR.

DPIAs are important tools for accountability, as they help the Council to comply with requirements of the GDPR, but also to demonstrate that appropriate measures have been taken to ensure compliance with the law. In other words, a DPIA is a process for building and demonstrating compliance.

Under the GDPR, non-compliance with DPIA requirements can lead to fines imposed by the ICO. Failure to:

- carry out a DPIA when the processing is subject to a DPIA (Article 35(1) and (3) -(4)); or
- carry out a DPIA in an incorrect way (Article 35(2) and (7) to (9)); or
- failing to consult the ICO where required (Article 36(3)(e))

is an offence and can result in an administrative fine.

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

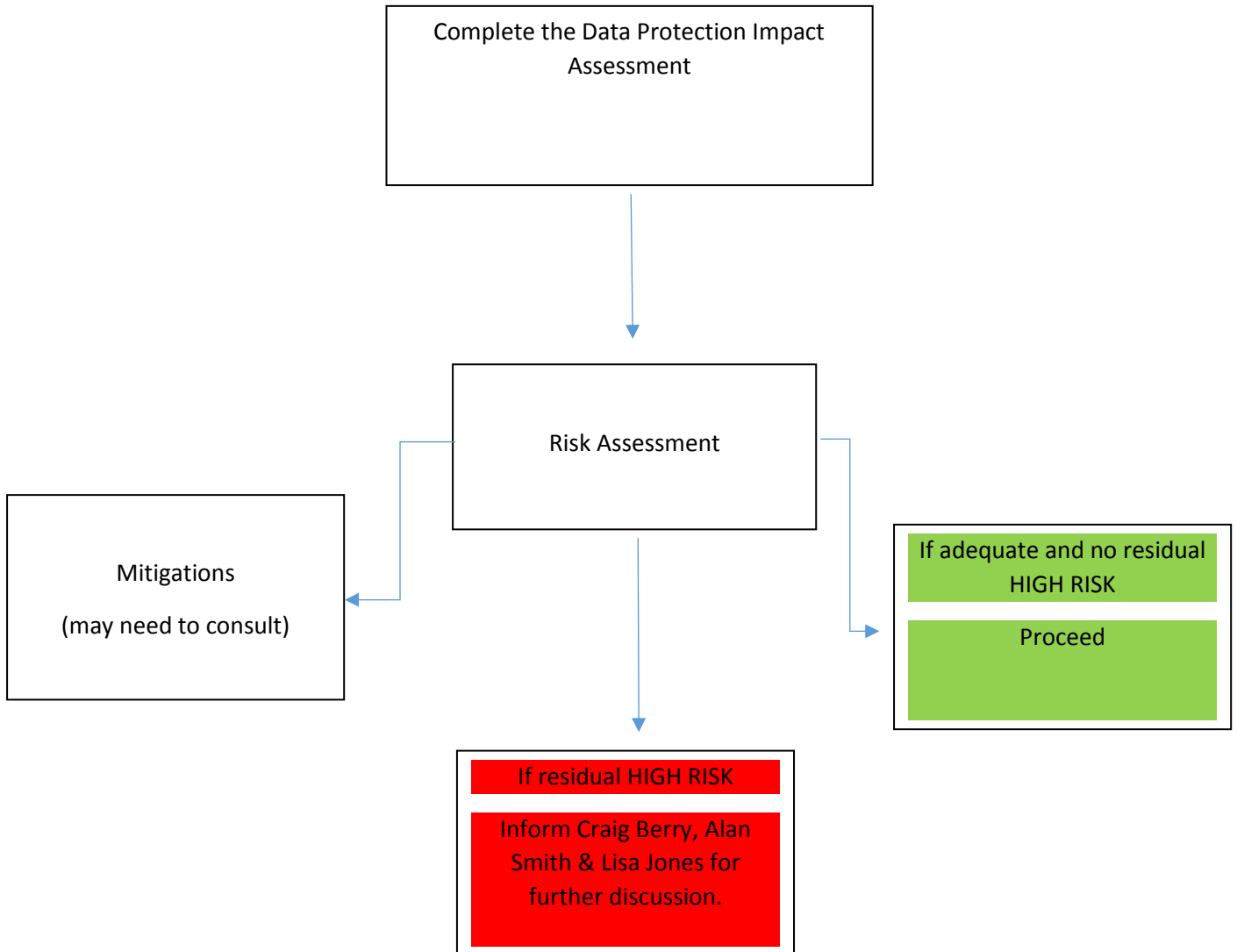
A DPIA is mandatory when processing is “likely to result in a high risk to the rights and freedoms of natural persons”.

The guidelines offer the following criteria to consider:

1. Evaluation or scoring, including profiling
2. Automated decision-making
3. Systematic monitoring of individuals
4. Processing sensitive data
5. Processing data on a large scale
6. Matching or combining datasets
7. Processing data concerning vulnerable data subjects
8. Innovative use or application of technological or organisational solutions
9. Data transfer across borders outside the European Union
10. When the processing in itself “prevents data subjects from exercising a right or using a service or a contract

The guidelines state that, as a rule of thumb, data processing operations that meet at least two of these criteria will require a DPIA.

DPIA Process



The following questions are intended to investigate the degrees and areas of risk associated with the proposed processing of personal information.

It is important that each question is answered in as much detail as you can. The sections in blue require your response.

Section 1.	The first section relates to the proposed use of the personal data and how it was gathered. It is important to recognise that the means and conditions by which the personal data was collected can impact on the lawfulness and also the degree of risk posed by the processing.	
1.1	Describe what you intend to do and how you intend to process the personal data.	
	<p>The intention is to procure Agency workers through a national framework. As the procurement is delivered via a Managed Service the personal data of agency staff will be stored on a secure system. Payment to individuals will be via the managed service hence Denbighshire County Council will not have access to certain data for example, bank accounts, national insurance details. However other personal data that is detailed on CV's, Health Declaration, References, Right to Work in the UK details and criminal conviction data will be available via a secure system to managers procuring agency workers.</p> <p>A lot of the information required by the DPIA will be updated as the tender process is completed e.g. system information. The service will consider this document as a live document and update it as and when necessary.</p>	
1.2	Thinking about the proposed processing of personal data, describe the flows of personal data (perhaps attach a diagram).	
	<p>Once a request is submitted via the Managed Service, potential candidate information is available for the recruiting manager to view. This data will include CV's, employment references, Right to Work in the UK etc. The employing manager will then arrange interviews of those staff meeting the essential criteria for the role before offering the agency worker a placement.</p>	
1.3	Is what you are proposing to do part of a project?	
	No	<input checked="" type="checkbox"/>
	Yes	<input type="checkbox"/>
	If so, which project? State here:	
1.4	How many individual's data will be involved?	
	Data will only be requested for those individuals who meet the essential criteria for the role and who have indicated to the provider that they are interested in the available placement.	
1.5	Where does the personal data come from?	
	Individuals provide their data to the Agency directly.	

1.6	Does the personal data come from different sources or other organisations? If yes, please state where the information comes from.	
	No <input checked="" type="checkbox"/>	
	Yes <input type="checkbox"/>	If yes, please state where the information comes from.
Section 2	This section considers the special characteristics of the personal data that could be processed. The law establishes that certain types of personal data presents greater degrees of risk than others, and as a consequence has to be treated differently.	
2.1	Please identify whether the personal data will include any of the following categories.	
		Yes No
	Name	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Address (home or business)	<input checked="" type="checkbox"/> <input type="checkbox"/>
	NHS No.	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Email address	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Date of birth	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Employee number	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Driving Licence [shows date of birth and first part of surname]	<input checked="" type="checkbox"/> <input type="checkbox"/>
	IP Address	<input type="checkbox"/> <input checked="" type="checkbox"/>
	Information about the racial background of an individual / individuals	<input type="checkbox"/> <input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	
	The above information may be contained on the agency workers CV. Data relating to date of birth would be provided via Right to Work in the UK documents i.e passport or Driving Licence.	
	Information about the ethnicity of an individual / individuals	<input type="checkbox"/> <input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	
	Information about the health of an individual / individuals	<input checked="" type="checkbox"/> <input type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	
	This is limited to the Denbighshire County Council Health Declaration Form which asks prospective candidates to confirm whether or not there are any restriction/s to the work they can undertake due to either a medical condition or disability.	
	Information about the religion of an individual / individuals	<input type="checkbox"/> <input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	
	Information about the sexuality of an individual / individuals	<input type="checkbox"/> <input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	
	Information about the political views of an individual / individuals	<input type="checkbox"/> <input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>	

	Information about the Trades Union membership of an individual / individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>		
	Genetic information of an individual / individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>		
	Biometric data of an individual / individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>		
	Financial information of an individual / individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>		
	Information about the criminal offences or conviction(s) of an individual / individuals (including alleged offences or convictions).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>If yes, please provide additional detail about the personal data.</i>		
	DBS information is requested in line with Denbighshire County Councils employment practices.		
Section 3	This section looks to the lawfulness of the processing. In order to assess the level of risk associated with the personal data and its proposed use, it is necessary to look to the justification for processing.		
3.1	On what basis will the personal data be processed? Select all relevant conditions. <i>Please note that if you have identified that the processing will involve data identified in 2.1.1 – 2.1.11 then specific grounds for processing are set out below (3.2).</i>		
	Processing is necessary for the performance of a contract between the Council and the individual / individuals whose data is being processed.	<input checked="" type="checkbox"/>	
	Processing is necessary for compliance with a legal obligation	<input checked="" type="checkbox"/>	
	Processing is necessary in order to protect the vital interests of the individual or individuals whose data is being processed.	<input type="checkbox"/>	
	Processing is necessary for the performance of a public task	<input type="checkbox"/>	
	Processing is necessary for legitimate interests * <i>Seek the advice of the Data Protection Officer</i>	<input type="checkbox"/>	
	The consent of an individual or individuals * <i>Seek the advice of the Data Protection Officer</i> <i>If consent is selected as a basis for processing it is necessary to answer the following questions:</i>	<input checked="" type="checkbox"/>	
	Can an individual or individuals withdraw their consent with ease and whenever they want to?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>Individuals should be able to withdraw their consent at any time and every step of the processing of their information without detriment. It should be as easy to</i>		

	<i>withdraw consent as it is to give it. Consent requires prior information and an explicit indication of the intent to consent.</i>	
	<p>What are the consequences of withdrawal and refusal of consent? (for individuals and for the Council)</p> <p><i>For instance, will the service to the individual be terminated, while the individual or individuals depends on it?</i></p> <p>Should the role that the agency worker is interested in require a DBS Check and they refused to supply the details then a placement would not be offered.</p>	
3.2	Special category data. <i>For special category data, one of the above conditions in 3.1 and one from the list below must be chosen.</i>	
3.2.1	The 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	<input checked="" type="checkbox"/>
3.2.2	The 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	<input type="checkbox"/>
3.2.3	The 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	<input type="checkbox"/>
3.2.4	The processing relates to personal data which are manifestly made public by the data subject	<input type="checkbox"/>
3.2.5	The processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	<input type="checkbox"/>
3.2.6	The 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	<input type="checkbox"/>
3.2.7	The 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	<input type="checkbox"/>
3.2.8	The 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.	<input type="checkbox"/>
3.2.9	The data subject (or subjects) has given <i>explicit consent</i>	<input checked="" type="checkbox"/>

	* Seek the advice of the Data Protection Officer If consent is selected as a basis for processing it is necessary to answer the following questions:		
3.2.10	Can an individual or individuals withdraw their consent with ease and whenever they want to? <i>Individuals should be able to withdraw their consent at any time and every step of the processing of their information without detriment. It should be as easy to withdraw consent as it is to give it. Consent requires prior information and an explicit indication of the intent to consent.</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3.2.11	What are the consequences of withdrawal and refusal of consent? (for individuals and for the Council) <i>For instance, will the service to the individual be terminated, while the individual or individuals depends on it?</i>		
	Should the role that the agency worker is interested in require a DBS Check and they refused to supply the details then a placement would not be offered.		
Section 4	This section examines whether the processing will involve secondary uses of personal data, for example by re-using information which may be gathered for a different purpose . It is necessary to consider the issues that could arise from secondary use of information.		
4.1	Will the proposed processing involve the use of existing personal information for new purposes? <i>For example a CRM system that will enable certain data about clients to be combined with other data and used in a new way.</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4.2	Will the proposed processing be compatible with the original purposes for which the personal data were first collected?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.3	Please explain your response to 4.2		
	Data requested is for the purpose of safer recruitment practices.		
Section 5	The rights of the data subject <i>How will the rights of individuals be protected and supported?</i>		
	Individuals have the following rights in respect to the processing of information about them. The rights are: <ul style="list-style-type: none"> • The right to be informed • The right of access • The right to rectification • The right to erasure • The right to restrict processing 		

	<ul style="list-style-type: none"> • The right to data portability • The right to object • Rights in relation to automated decision making and profiling. 		
5.1	Will the proposed processing be communicated to the data subjects in a privacy notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.2	Will the proposed processing enable the data subjects to exercise their rights of access?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.3	Will the proposed processing enable personal data to be rectified?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.4	Will the proposed processing enable personal data to be erased? *under certain circumstances	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.5	Will the proposed processing enable data subjects to exercise their right to restrict processing? *under certain circumstances	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.6	Will the right to data portability be supported by the proposed processing? *under certain circumstances	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.7	Will the right to object be supported by the proposed processing? *under certain circumstances	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.8	Will the proposed processing involve automated decision making or profiling?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Section 6	Accuracy and currency of personal data as a safeguard		
6.1	Will the proposed processing be supported by checks on the accuracy of personal data?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
6.2	Consider the possible consequences of processing outdated information for the individuals concerned, For instance, in <i>some cases</i> , an incorrect date of birth for an individual could be a LOW impact, whereas in other contexts an incorrect address for an individual could have a HIGH impact; the converse could be true in other circumstances. Describe the possible impact on an individual:		
	Mostly HIGH		<input type="checkbox"/>
	Mostly MEDIUM		<input type="checkbox"/>
	Mostly LOW		<input checked="" type="checkbox"/>
Section 7	Third parties and commercial partners		
7.1	Is it likely that the proposed processing will involve third parties or require a contract or other written agreement?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
7.2	There are a number of different terms used in the legislation to describe the roles taken by organisations in their dealings with third parties. Consider the following definitions:		

	a Controller is a natural or legal person or organisation which <i>determines</i> the purposes and means of processing personal data.		
	a Processor is a natural or legal person or organisation which processes personal data <i>on behalf</i> of a controller. The Council's Contractors and suppliers are usually processors if they process personal data solely on its behalf.		
	A Joint Controller is a natural or legal person or organisation which, with another Controller or Controllers jointly <i>determines</i> the purposes and means of processing personal data.		
	How would you describe the Council's role in the proposed processing?		
	a Controller		<input checked="" type="checkbox"/>
	a Processor		<input type="checkbox"/>
	A Joint Controller		<input type="checkbox"/>
7.3	If the answer to 7.1 is YES, please list the organisations below:		
	Denbighshire County Council will be the Data Controller and the Agency Provider and sub-contractor will likely be the Data Processor processing the information on behalf of the Council and the agency workers		
7.4	Is it likely that the third party will engage other parties as sub-contractors (known as sub-processors)? It is possible that the Agency Provider will engage third parties to process the data on our behalf. However we will keep this under review as and when candidates are received in terms of sub-contractors.		
Section 8	Security Measures		
8.1	What technical and organizational security measures are in place for the proposed processing ? Please list the proposed security measures:		
	The data will be provided via a secure system yet to be awarded. We propose that the system that is procured needs to be secure and streamlined. Any systems will need to approved by Denbighshire IT in line with the Information Security Policy. Denbighshire County Council staff will require authorised access to the system and must set up their own secure access with approval from the third party provider and line manager.		
8.2	Will staff involved in the proposed processing requires additional and specific data protection training?	Yes	
Section 9	Retention of personal data		
	How long is it intended to keep the personal data as part of the proposed processing? (tick all applicable options)		
	The personal data will be destroyed after the completion of the proposed processing	<input checked="" type="checkbox"/>	Following the termination of the placement, the data forms part of statistics that are recordable from the

		system upon request. However no special category personal data will be held on Denbighshire systems.	
	Information is to be retained for a specific period after the completion of the proposed processing	<input type="checkbox"/>	
Section 10	International transfers of personal data This presents a risk as not all countries have the same level of protection		
10.1	<p>Will the proposed processing involve</p> <ul style="list-style-type: none"> • transferring • Storing • disclosing <p>Personal data to a country or territory outside of the EEA?</p> <p>The EEA consists of the following countries:</p> <p>Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom</p> <p>Are measures in place to ensure an adequate level of security if personal data are transferred outside the EEA</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p> <p>(if selected proceed to the next section)</p>
	<p>How will the safeguards be set out?</p> <ul style="list-style-type: none"> • contractual clauses • binding corporate rules • Other <p>(please specify)</p>	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	Will the proposed processing involve storage or transfer via the cloud?	<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
Section 11	Residual Risk of Activity / Project		
11.1	After measures applied, please indicate residual level of risk (please select one) :		

		Severity of impact	Serious harm	Low risk	High risk	High risk	
			Some impact	Low risk	Medium risk	High risk	
			Minimal impact	Low risk	Low risk	Low risk	
			Remote	Reasonable possibility	More likely than not		
		Likelihood of harm					
		High risk		Medium risk		Low risk	X
<p>If the activity / project is still in the Red highest risk categories please submit a copy of this DPIA to Craig Berry, Lisa Jones and Alan Smith for review.</p>							