

DoH

**DATA PROTECTION IMPACT ASSESSMENT
SCREENING EXERCISE**

Project Name:

Consultation on proposals to extend modifications to children's social care regulations

Business Area:

**Family & Children's Policy
Directorate**

Branch:

Looked after children & adoption policy

1. PROJECT SUMMARY

Briefly describe your project, plan or proposal. Set out its purpose and any projected benefits.

The Children's Social Care (Coronavirus) (Temporary Modification of Children's Social Care) Regulations (Northern Ireland) 2020 (S.R. 2020/78) made temporary modifications to Statutory Rules to relax legislative requirements and S.R. 2020/235 (Regulation 10) extended these regulations until 07 May 2021. These regulations will cease to have effect from 7 May 2021.

The relaxation of the legislative requirement was in order to support the HSCB's contingency arrangements and provide HSC Trusts and independent providers of children's social care services with the flexibility required to continue to provide essential services to looked after children, children in need and care leavers during the surge phases of the COVID-19 pandemic. The aim is to ensure that, during this pandemic, social care services to children and young people are carried out in a way which is sufficiently flexible in the circumstances but also in keeping with public health guidelines and carefully managed in terms of risk of harm. Guidance to support the existing Regulations has been published.

The use of the modifications has been monitored and reported on a monthly basis since they came into operation. Monitoring indicates that the modifications have been used proportionately and in line with the progress of the pandemic. Evidence from the February 2021 monitoring report shows that the modifications continue to be used with reasonable frequency in a small number of areas.

Given the continued impact of the COVID-19 pandemic and the continued reliance on the regulations, the Department of Health is proposing to retain the modifications relating to a small number of areas of practice for a further six months up to 7 November 2021.

These areas are:

- Enabling 'visits' by social workers to looked after children to be conducted remotely;
- Enabling 'visits' to children's homes by registered providers for monitoring purposes to be conducted remotely;
- Extending the period during which a child may remain in an immediate foster care placement with family or friends to be extended to 16 weeks (the original regulations specify 12 weeks);
- Extending the period during which a child may remain in an emergency foster care placement with an approved foster carer to 10 days (the original regulations specify 24 hours);
- Extending the period to undertake reviews of foster carers to 15 months (the original regulations specify 12).

None of these areas change requirements in relation to the processing of personal data and ongoing compliance with UK data protection legislation remains as was. The Data Controllers, responsible for processing personal data in the provision of these services, must continue to ensure compliance with data protection law.

2. STAKEHOLDERS

Identify your data subjects and also the main stakeholders or bodies involved and their role in the project.

- **Children and young people in care;**
- **Foster carers;**
- **Parents;**
- **HSCT children's social care services and independent providers of children's services;**
- **Child right's organisations and children's advocates**

3. BRIEF DESCRIPTION OF PERSONAL DATA INVOLVED

No personal data is to be processed.

4. PRIVACY ASSESSMENT

Use this checklist to assess the project for privacy risks. The questions below will help you consider whether a DPIA is necessary.

(i) Does the project/activity involve any of the following high risk processing?	Yes	No	If yes, explain your response
Systematic or extensive profiling, evaluation or scoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Large scale processing of sensitive data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Systematic monitoring of individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Use of new technology or novel use of existing technology	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Denial of an individuals' access to a service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Profiling of individuals on a large scale	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of biometric data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of genetic data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of sensitive data or data of a highly personal nature	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Combining, comparing or matching data obtained from multiple sources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-identifiable data relating to service activity will be collected from across 5 HSCTs.
Invisible processing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tracking geolocation or behaviour	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Targeting of children or other vulnerable individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-identifiable data relating to children's services activity will be collected.

Risk of physical harm	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answer yes to any of the questions in section 4 (i) above, it is likely that a DPIA will be automatically required. Consult DoH Data Protection Officer for further advice.			
(ii) Does the project involve any of the following?	Yes	No	If yes, explain your response
Automated decision-making with a legal or similar significant effect.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of data on a large scale.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change to an existing policy, process or system that involves personal data (e.g. new legislation or policy that makes it compulsory to collect or disclose information).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change in location of a business area or branch (e.g. plans to centralise a service or an office move).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A practice or activity that is listed on a risk register (e.g. activities listed on your business area's risk register or health and safety register).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Collecting new information about an individual (e.g. gathering information about an individuals' location).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A new way of gathering personal information (e.g. collecting information online rather than on paper forms).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change in the way personal information is stored or secured (e.g. cloud storage).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change to how sensitive personal information is managed (e.g. moving health records to a new database).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transferring personal information offshore (e.g. using a cloud based application to store data).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

A decision to retain personal information for longer than previously kept (e.g. keeping information for 10 years when you previously only held it for 7).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Using information classed as 'special category data' (e.g. information about an individual's health).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Using personal data already held for a new purpose (e.g. to obtain customer profiles).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disclosing information to a third party (e.g. following a request from a law enforcement agency to provide information for a particular purpose).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sharing or matching personal information held by different organisations or in different datasets (e.g. combining data with other information held on systems or sharing information to enable organisations to provide services jointly).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change in policy that results in people having less access to information that you hold about them (for example, archiving documents after 6 months into a facility from which they cannot be easily retrieved).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Establishing a new way of identifying individuals (for example, a unique identifier, a biometric, or online identity system).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Introducing a new system for searching individuals' property, persons or premises (e.g. adopting a new policy of searching data on mobile phones that have been returned for upgrading).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Surveillance, tracking or monitoring of movements,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

behaviour or communications (e.g. installing a new CCTV system or monitoring a member of staff's email account).			
Changes to premises impacting on private spaces where clients/staff may discuss personal data (e.g. changing the location of a reception desk where people may disclose personal details or relocating a branch where sensitive personal data is processed).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
New regulatory requirements that could lead to compliance action against individuals on the basis of information about them (e.g. adding a new medical condition to the requirements of a licence).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other privacy intrusions such as body searches, or intrusion into physical space.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Additional Comments/Notes

5. INITIAL RISK ASSESSMENT

If you answered 'Yes' to any of the questions in section 4, use the table below to give a rating - either Low (L), Medium (M), or High (H) – to each of the aspects of the project set out in the first column. If you answered 'No' to all the questions in section 4, move on to section 6.

Aspect of the Project	Rating (L, M or H)	
Level of personal data handling	L – Minimal personal information will be handled	<input type="checkbox"/>
	M – A moderate amount of personal information (or information that could become personal information) will be handled	<input type="checkbox"/>
	H – A significant amount of personal information (or information that could become personal information) will be handled	<input type="checkbox"/>
Sensitivity of information	L – The information is not sensitive	<input type="checkbox"/>
	M – The information may be considered to be, or may become, sensitive	<input type="checkbox"/>
	H – The information is highly sensitive	<input type="checkbox"/>
Significance of the changes	L – Only minor change to existing functions/activities	<input type="checkbox"/>
	M – Substantial change to existing functions/activities; or a new initiative	<input type="checkbox"/>
	H – Major overhaul of existing functions/activities; or a new initiative that's significantly different	<input type="checkbox"/>
Interaction with third parties	L – No interaction with other agencies	<input type="checkbox"/>
	M – Interaction with one or two other agencies	<input type="checkbox"/>
	H – Extensive cross-agency (government) interaction or cross-sectional (non-government and government) interaction	<input type="checkbox"/>
Public impact	L – Minimal impact on the organisation and individuals	<input type="checkbox"/>
	M – Some impact on individuals is likely due to changes to the handling of personal information; or the changes may raise public concern	<input type="checkbox"/>
	H – High impact on individuals and the wider public; concerns over aspects of project or negative media interest is likely.	<input type="checkbox"/>

6. SUMMARY OF PRIVACY IMPACT

The privacy impact for this project has been assessed as:

Low – There is little or no personal information involved; or the use of personal information is uncontroversial; or the risk of harm eventuating is negligible; or the change is minor and something that the individuals concerned would expect; or risks are fully mitigated.	<input checked="" type="checkbox"/>
Medium* – Some personal information is involved, and several low to medium risks have been identified	<input type="checkbox"/>
High* – Sensitive personal information is involved, and several medium to high risks have been identified	<input type="checkbox"/>
Reduced risk – The project will lessen existing privacy risks	<input type="checkbox"/>
Inadequate information – More information and analysis is needed to fully assess the privacy impact of the project.	<input type="checkbox"/>

Briefly summarise reasons for the rating given

No personal data will be collected. Data is restricted to children's service activity across 5 areas to assess how HSCT children's services are managing and using flexibilities during covid-19 pandemic.

* If you have assessed the privacy impact as medium or high, a DPIA must be carried out.

7. RECOMMENDATION

A full data protection impact assessment **is** required

A full data protection impact assessment **is not** required

Reasons

Data relates to children's services but is confined to activity and does not contain any identifiable data of individuals.

8. SIGN OFF

Project Manager

Name:

Elaine Lawson

Date:

07/04/21

Signed:

Senior Responsible Owner/Information Asset Owner

Name:

Charlene McQuillan

Date: 07/04/21

Signed: