Data Protection Impact Assessment DPIA)

Lancashire Care NHS Foundation Trust

This assessment should be completed as part of the business case for all new information systems, processes and new ways of sharing, which involve the use of personal sensitive data or will significantly change the way in which personal data is handled. The use of DPIAs is a process for building and demonstrating compliance with the General Data Protection Regulations (GDPR).

Details in italics are for assistance. Once the assessment has been completed, please forward to the Information Governance Team for approval – ig.queries@lancashirecare.nhs.uk

GENERAL OVERVIEW		
1.	**Name of the new system, project, process or data flow:**	
2.	**Responsible Lead (name & email address):**	*Eg. This may be a Service/Team Manager or Project Manager*
3.	**What are the main aims?**	*Describe the justification for the new system, project, process or data flow.*
4.	**List the main activities of the new system, project, process or data flow:**	*Describe the new system, project, process or data flow.*
5.	**What are the intended outcomes?**	*What are you hoping to achieve? Why is this needed?*
INFORMATION ASSET REGISTER		
6.	**Who is the Information Asset Owner – IAO (Name & email address) - LCFT staff only**	*This is a requirement, the person should be in agreement in accepting the responsibility for this use of information*
7.	**Who is the Information Asset Administrator - IAA (name & email address) – LCFT staff only**	*This is a requirement and should be determined by the IAO above*
DATA		
8.	**Who are the Data Subjects? (e.g. the people whose data will be held in this new system, process or data flow – this may be patients and/or staff)**	*Eg Service Users/Staff/Members of the Trust*
9.	**What Data Classes will be part of this new system, process or data flow (ie the actual data fields)?**	

10.	**Will this new system, process or data flow include data which was not previously collected?**		*If it does, please explain the justification for this.*
11.	**Have you assessed the likelihood of data causing any unwarranted distress or damage to individuals concerned?**		*This is required if the answer to Q10 above is yes. Otherwise it will be N/A*
12.	**Is there a legal basis for holding and processing this data or is consent being used as the legal basis?**		*Please delete those not applicable, one from each section - Most will be 6(1)(c) and 9(2)(h):* <u>Section 1 – Processing conditions:</u> 6(1)(a) – Consent of the data subject 6(1)(c) – Processing is necessary for compliance with a legal obligation 6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person 6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest <u>Section 2 – Special Categories:</u> 9(2)(a) – Explicit consent of the data subject 9(2)(b) – Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement 9(2)(c) – Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent 9(2)(h) – Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, **the provision of health or social care** or treatment 9(2)(i) – Processing is necessary for reasons of public interest in the area of public health
13.	**Does this new system, process or data flow include new or amended identity authentication requirements that may be intrusive?**		
14.	**What checks have been made regarding the adequacy, relevance and necessity of the data being used? (GDPR Article 35(7)(b))**		*Only the personal data required to fulfil the purpose should be used*

15.	**Can the new system, process or data flow use pseudonyms or work on anonymous data?**	*If the answer is yes, then only pseudonymised or anonymous data should be used.*
16.	**Can the data subjects opt-in to the use of their data being added to the system/used by the process, and if so is this publicised?**	*If this is not applicable please state this.*
17.	**Who are the partners for any data sharing?**	*Name the other organisations who are party to the data.*
DATA SECURITY		
18.	**Who will use the new system, process or data flow and have access to the data?**	
19.	**What training have users of the other organisations had in confidentiality of personal data?**	*If the organisation has completed the IG Toolkit (IGT) or Data Security & Protection Assessment (DSPA) – this will be covered by a satisfactory submission.*
20.	**Will the data be shared on with any other organisations?**	*Will the data sharing partner(s) be sharing this data onwards?*
21.	**Where will data be held?**	*Location ie physical or network, will it be on the LCFT network or an external one?*
22.	**What format will data be stored in?**	*Electronic or paper?*
23.	**Does the new system, process or data flow change the way data is stored?**	
24.	**How will staff access and amend data?**	*If this is not relevant, ie only read-only access, then please state.*
25.	**How will data be shared?**	☐ Fax ☐ Email ☐ Via NHS Mail ☐ Website ☐ Via Courier ☐ Via FTP ☐ By hand ☐ Via post – internal ☐ Via post - external ☐ Via telephone ☐ Other – please state
26.	**Are you transferring any personal and / or sensitive data to a country outside the European Economic Area (EEA)?**	☐ Yes ☐ No *If yes, please outline the data types, country, transfer methods and any measures in place to ensure adequate levels of security when transferred to this country. Has an Overseas Transfer Checklist been completed?*
27.	**What security measures have been taken to protect the data, and has the IT Security Questionnaire for External**	

	parties been completed and approved by the Cyber Security Manager (if so please embed the document for reference)?	
28.	**Is there a useable audit trail in place for the asset?**	*For example, to identify who has accessed a record / personal data*
29.	**How often will the new system, process or data flow be audited?**	
30.	**Who supplies the new system, or is involved in the process or data flow?**	*What organisations will have access to the personal data?*
31.	**Is the organisation(s) mentioned in Q30 above registered with the ICO?**	*Please give Data Protection register registration number(s)*
32.	**Has that organisation(s) completed the HSCIC IG Toolkit to a satisfactory level?**	*Include IGT/DSPA registration reference no. and last submission score.*
33.	**Does the contract for this new system, process or data flow include necessary IG clauses?**	*If so please embed the document for reference*
34.	**What business continuity plans are in place in the case of data loss / damage as a result of human error / computer virus / network failure / theft / fire / flood / other disaster?**	*If so please embed the document for reference – if the data is being held within LCFT, please check and if applicable "In line with LCFT policy can be used"*
DATA QUALITY		
35.	**Who provides the information for the asset?**	*Will this be Staff and/or Service Users?*
36.	**Who inputs the data into the system?**	*This will generally be staff*
37.	**How will the information be kept up to date and checked for accuracy and completeness?**	*Are there SoPs in place to ensure information is kept up to date?*
38.	**Can an individual (or a court) request amendments or deletion of data from the new system, process or data flow?**	Yes
ONGOING USE OF DATA		
39.	**Will the data be used to send direct marketing messages?**	*Are we sending out text or emails?*
40.	**If yes, is explicit consent and opt-in procedures in place?**	*If so please embed the documents for reference*

41.	**Does the new system, process or data flow change the medium for disclosure of publicly available information? Is this covered by the existing LCFT privacy notices?**	*If this is not included in the Trust Privacy notice or information leaflet additional information may need to be provided to the data subjects*
42.	**Will the new system, process or data flow make data more readily accessible than before?**	
43.	**What is the data retention period for this data?** *(please refer to the Records Management: NHS Code of Practice)*	*This may be In line with LCFT policy*
44.	**How will the data be destroyed when it is no longer required, and how will this be confirmed to LCFT?**	*This will usually be in line with Trust policy unless a specified time period has been set*
PIA SIGN OFF		
45.	Your DPIA should be sent to the Information Governance Team for approval ig.queries@lancashirecare.nhs.uk	
	Approval by SIAO / IAO:	
	Review by Data Protection Officer (DPO):	
	Date of PIA Approval:	
	Name of IG Approver:	
	Title of IG Approver:	
46.	**Recommendations & required further actions following DPIA approval.**	*Examples are inclusion on the Trust Information Asset register and/or Data Flow mapping register; development of an Information Sharing or Data Processing agreement.*