

Data Protection Full Assessment

Impact Assessment Id: #763

1.0 Screening Information

Project Name

Worcestershire Local Authority Code of Conduct for Issuing Penalty Notices

Name of Project Sponsor

Wcc

Name of Project Manager

Sarah Wilkins

Name of Project Lead

Yusuf Hussain

Please give a brief description of the project

Review and Amendment of Local Authority Code of Conduct in line with Government / DFE Working together to Improve School Attendance guidance published 29th February 2024 and applicable from 29th August 2024.

The DFE has introduced some changes to the charges applicable for Penalty Notices for leave in term time & unauthorised absences from school and recommendations on frequency of use, duration and likely legal action for repeated offences.

Data Protection screening result

Will require a full impact assessment

Equality and Public Health screening result

Does not need a full impact assessment

Environmental Sustainability screening result

Does not need a full impact assessment

1.1 Background and Purpose

Background and Purpose of Project?

To support your answer to this question, you can upload a copy of the project's Business Case or similar document.
Implement the new national guidance for issuing penalty notice for unauthorised absence from school

Upload Business Case or Support documents

No files uploaded

Project Outputs

Briefly summarise the activities needed to achieve the project outcomes.

Ensure all Penalty notices are administered and issued in line with the guidance by the LA

Ensure all schools referalls for issuing a penalty notice meet the guidance

Project Outcomes

Briefly summarise what the project will achieve.

To reduce the levels of unauthorised pupil absence across all schools in the county.

To increase the levels of pupil attendance in Worcestershire schools and academies to help improve academic outcomes for pupil.

Is the project a new function/service or does it relate to an existing Council function/service?

Existing

Was consultation carried out on this project?

Yes

1.2 Responsibility

Directorate/Organisation

Worcestershire Children First

Service Area

Education and Early Years

1.4 Specifics

Project Reference (if known)

~763

Intended Project Close Date *

August 2024

1.5 Project Part of a Strategic Programme

Is this project part of a strategic programme?

No

2.0 Personal Data

Who are you processing data about?

Students and pupils

What personal data will be collected? *

The second stage is to list all of the types of personal data that you believe the project/works/additional processing will utilise. Please select yes for as many examples of types of data that are relevant and include any others in the free text at the bottom of the page.

Basic Identifiers:

Name

Yes

Date of Birth

Yes

Age

No

Gender

No

Sex

No

Contact Details:

Address

Yes

Email Address

Yes

Home Phone Number

Yes

Mobile Phone Number

Yes

Postcode

Yes

ID Number:

National Insurance Number

No

Driving Licence/Number

No

NHS Number

No

Other General Identifier

No

Employment:

Work Related Training/Awards

No

Financial:

Income/Financial/Tax Situation

No

Appearance:

Photograph

No

Physical Description

No

Lifestyle:

Living Habits

No

Marital Status

No

Technology:

Login/Username

No

Device MAC Address (Wireless Network Interface)

No

Device Mobile Phone/Device IMEI No

No

Location Data (Travel/GDPS/GSM Data)

No

Online Identifier e.g. IP Address

No

Website Cookies

No

Other Data Types Collected

Other Data Types Collected

Name of parent or carer

2.1 Legal basis for Personal Data**What is your lawful basis for processing the personal data? ***

Please choose one of the following

Data Subject's consent for the purpose

No

Necessary for a contract with the Data Subject

No

Necessary to comply with a legal obligation

Yes

Necessary to protect the vital interests of an individual(s)

No

Necessary for a task in the public interest or exercise of official authority of Controller

Yes

Necessary for legitimate interests of Controller unless interests are overridden by the interests or rights of the individual (only available in limited circumstances to public bodies)

No

2.2 Special Data

What special category personal data (if any) will be collected? *

This section will not apply to all projects and should only be completed if it applies to you.

It is important that you read this section carefully, as these data types require additional care and protection.

If you do pick anything from this list, you will be required to give more details in Section 4 of this form.

You can read more about Special Category Data through this link;

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

Race

No

Ethnic origin

No

Political opinions

No

Religion

No

Philosophical beliefs

No

Trade union membership

No

Genetic Data

No

Biometric Data

No

Sex life

No

Health or social care

No

2.3 Legal basis for Special Data

What is the relevant condition for processing the special category personal data? *

You must qualify under one of the below exemptions as well as having a legal basis from the previous question.

Explicit Consent

The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

Not Recorded

Employment and Social Security

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 in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

Not Recorded

Vital Interests

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;

Not Recorded

Legitimate Interests of:

"a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim".

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;

Note – this is not often applicable to local authorities.

Not Recorded

Publicly Available Data

Processing relates to personal data which are manifestly made public by the data subject;

Not Recorded

Legal or Court Proceedings

Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

Not Recorded

Public Interest - Statutory Necessity

Processing is necessary for reasons of substantial public interest, on the basis of 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;

Not Recorded

Medical, Health and Social Care Provision

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 or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

Not Recorded

Public Health

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;

Not Recorded

Archiving or Scientific, Historical or Statistical Research Purposes

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.

Not Recorded

2.4

Information Involved

Understanding the information flows involved in a project is essential to a proper assessment of privacy risks.

How will the data be collected? *

This section should be filled in for every project, not just those collecting Special Category data.

Data is supplied by schools and academies and stored on Capita ONE and WCC U drive

What will the data be used for? *

This section should be filled in for every project, not just those collecting Special Category data.

To consider the issuing of a Penalty Notice to the parent of the pupil where the conditions are met according to the WCC Local Code of Conduct for Issuing the Penalty Notice.

Has data already been collected?

No

Are the purposes for which you are collecting the data different? *

If the data you are hoping to use was not collected specifically for this project, please explain in the box below why it was collected. This will

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include data that you have collected from other teams within WCC.

Not Recorded

Explain why existing and/or less intrusive processes or measures would be inadequate *

In this section, you should explain why your new method/project is absolutely necessary and show that you have thought about all other options.

This is a legal requirement. We have to the names of the pupil and their parent to issue the Penalty Notice to the right person. The process is ongoing and cases are referred on an ongoing basis

3.0 Other organisations

Are other organisations involved in processing the data?

No

3.1 Storage detail

How will the information be stored? *

Please include details of whether data will be stored outside of the European Economic Area (EEA).

Please remember that cloud storage and back up servers maybe outside the EEA.

According to current WCC regulations and requirements.

For how long will the data be retained? *

5years until after the pupil leaves school

What is the deletion process? *

As per current WCC regulations and requirements

4 Consultation details

Consultation can be used at any stage of the DPIA process and is important to allow people to highlight privacy risks and solutions based on their own area of interest or expertise.

For further assistance and information please visit the [consultation toolkit section on Ourspace](#).

Explain what practical steps you are going to take to ensure that you identify and address privacy risks *

There are no privacy risks as this is an open national statutory directive to all schools and parents. It is already widely discussed in the media.

Who should be consulted, internally and externally? Do you need to seek the views of members of the public? *

Only Senior Officers in Education and Early Years and a Responsible Member of the cabinet are required to formalise the amended statutory practice as recommended by the government. Police Rep will be informed accordingly. Headteachers and Principals will be informed accordingly.

How will you carry out the consultation? *

(You should link this to the relevant stages of your project management process)

None Required

5 Risk register

At this stage you should identify the possible privacy risks together with their likelihood, severity and overall level, and for high risks the measures taken to reduce the risk.

Add any risk to the relevant sections below.

Fair and Lawful Processing

Data must be processed lawfully, fairly and in a transparent manner.

Please also consider

- Have you identified at least one lawful basis for the personal data processed as part of the project?
- Does at least one Controller involved have a lawful power to act?
- Do you need to create or amend a privacy notice?
- How is your processing going to be transparent?

Risk that processing is not transparent, and individuals are unaware that data is being collected or why it is processed

Unmitigated Risk

Likelihood - Reasonably Unlikely

Severity - Some Impact

Score - Medium

Mitigation/Solution

Privacy Notice needs to be reviewed by business area to ensure that it still accurately reflects the processing undertaken:

<https://www.worcestershire.gov.uk/school-attendance-legal-proceedings-privacy-notice> and is provided to people

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Reduced

Risk that information is being processed unlawfully

No Risk

Specific, explicit and legitimate purposes

The purpose for which you process personal data must be specified, explicit and legitimate. Personal data collected must not be processed in a manner that is incompatible with the purpose for which it was originally collected.

Please also consider

- Does your project plan cover all of the purposes for processing personal data? If not your plan needs amending accordingly.
- Are all elements of the processing compatible with the original reason and justification for the processing?
- What are these specific, explicit and legitimate purposes?

Risk of 'mission creep' and information is used for different, or incompatible purposes to that identified when originally collected

No Risk

Adequate, relevant and not excessive

Personal data processed must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

Please also consider

- Is the quality of the information adequate for the purposes it is used?
- If not, how is this to be addressed?
- Are measures in place to ensure that data is limited to that which is needed to fulfill the aim of the processing?
- Which personal data elements do not need to be included without compromising the needs of the project?

Risk of loss of control over the use of personal data

Unmitigated Risk

Likelihood - Reasonably Unlikely

Severity - Some Impact

Score - Medium

Mitigation/Solution

Data will be stored only in Council system Capita One and in the relevant U drive for the staff processing this information. The Data Owner for the U drive will ensure that only relevant staff will be given access permissions to the information

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

Risk that inadequate data quality means the information is not fit for the identified purpose(s) potentially leading to inaccurate decision making

No Risk

Risk that any new surveillance methods may be an unjustified intrusion on individuals' privacy

No Risk

Accurate and timely

Personal data processed must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

Please also consider

- If you are procuring new software does it allow you to amend data when necessary?
- How are you ensuring that personal data obtained from individuals or other organisations is accurate?
- Do you have processes in place to keep data up to date?
- If any data sets are to be merged, what checks are carried out to ensure that the right data records are matched/merged together?

Any data matching or linking, including whole data sets may link wrong records together

No Risk

Storage limitation

Personal data must be kept for no longer than is necessary for the purpose for which it is processed. Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data.

Please also consider

- What are the risks associated with how long data is retained and how they might be mitigated?
- Has a review, retention and disposal (RRD) policy been established?
- How does the software enable you to easily act on retention criteria – does it enable bulk review/destruction; set review periods; extract for long-term preservation/retention of the corporate memory?

Risk information is retained for the wrong length of time (both too long and too short)**Unmitigated Risk**

Likelihood - Likely

Severity - Some Impact

Score - High

Mitigation/Solution

Material held in U drives is reliant on manual destruction/deletion when the retention period is reached. Recommend implementing a folder structure in the U drive to easily enable deletion of data when the retention date is reached e.g. organised into a folder structure by year.

Capita One retention/disposal module is currently being implemented and deployment issues are being investigated.

Mitigated Risk

Likelihood - Reasonably Unlikely

Severity - Some Impact

Score - Medium

Result

Reduced

Risk information is not securely destroyed when its retention period has been reached**Unmitigated Risk**

Likelihood - Reasonably Unlikely

Severity - Some Impact

Score - Medium

Mitigation/Solution

Confidential waste bins are provided in office areas where staff can securely dispose of paper data. Electronic data is held in a secure systems that have completed a security assessment. Removable media is strongly discouraged but is encrypted before any data can be saved.

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Security

Personal data must be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, "appropriate security" includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

Please also consider

- What technical and organisational measures are in place to ensure that the data is protected to an adequate level?
- What training on data protection and/or information sharing has been undertaken by relevant staff?
- What access controls are in place to enforce the 'need to know' principle?
- What assurance frameworks are utilised to assess adequacy of security measures in place e.g. NHS DSPT; Cyber Essentials Plus; PSN Certification?

Risk of loss of confidentiality**Unmitigated Risk**

Likelihood - Reasonably Unlikely
 Severity - Some Impact
 Score - Medium

Mitigation/Solution

Access controls implemented to locations where the data is held; checks are completed when information is sent out to ensure data is not sent to the wrong recipient in error e.g check email address is correct, postal address is correct; all staff complete annual mandatory training on Data Protection and Cyber Security

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Risk of inadequate security controls in place to protect and secure personal data, including inappropriate access

No Risk

Risk that workers processing the data are not aware of their data responsibilities**Unmitigated Risk**

Likelihood - Reasonably Unlikely
 Severity - Serious Impact
 Score - High

Mitigation/Solution

All Council and WCF staff are required to complete mandatory data protection and cyber security training. This training has a scored assessment at the end which needs to be passed to complete the modules

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Risk that information is distributed using inappropriate methods**Unmitigated Risk**

Likelihood - Reasonably Unlikely
 Severity - Some Impact
 Score - Medium

Mitigation/Solution

Staff are trained on how to send data out and which channels to use. While transfer by USB device is strongly discouraged, any

USB devices are automatically encrypted before any Council/WCF data can be added.

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

Risk of re-identification of pseudonymized or anonymised data (e.g. collecting matching and linking identifiers and information may result in information that is no longer safely anonymised)

No Risk

Risk that information is transferred to a 'third country' without adequate safeguards

No Risk

Financial and reputational

Risk of identity theft or fraud

No Risk

Risk of financial loss for individuals or other third parties

No Risk

Risk of financial loss for the Council (including ICO fines)

Unmitigated Risk

Likelihood - Unlikely

Severity - Serious Impact

Score - Medium

Mitigation/Solution

All Council systems are approved before use, staff are trained on how to use them. Staff are informed about how to report any actual or suspected data breach if any occurs to ensure a prompt response is completed.

Mitigated Risk

Likelihood - Unlikely

Severity - Serious Impact

Score - Medium

Result

Reduced

Risk of reputational damage to the Council, partners, and processors

No Risk

Health, safety and wellbeing

Risk of physical harm to individuals

No Risk

Risk of physical harm to staff and workers

No Risk

Risk of discrimination

No Risk

Risk of other significant economic or social disadvantage

No Risk

Individuals Rights

Data protection legislation gives data subjects' various rights (listed below). Limiting or restricting any of these rights is likely to be a significant impact so the justification for any restriction, as well as mitigations, must be fully outlined.

Inability to meet individuals' right to be informed

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Unmitigated Risk

Likelihood - Likely
 Severity - Some Impact
 Score - High

Mitigation/Solution

All data protection rights are managed by the central Information Governance Team (CIGT). All staff are regularly reminded in annual training that any such rights requests need to be sent over to the team for prompt action.

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Inability to meet individuals' right of access**Unmitigated Risk**

Likelihood - Likely
 Severity - Some Impact
 Score - High

Mitigation/Solution

All data protection rights are managed by the central Information Governance Team (CIGT). All staff are regularly reminded in annual training that any such rights requests need to be sent over to the team for prompt action

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Inability to meet individuals' right to rectify inaccurate data**Unmitigated Risk**

Likelihood - Likely
 Severity - Some Impact
 Score - High

Mitigation/Solution

All data protection rights are managed by the central Information Governance Team (CIGT). All staff are regularly reminded in annual training that any such rights requests need to be sent over to the team for prompt action

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Inability to meet individuals' right to restrict processing**Unmitigated Risk**

Likelihood - Likely
 Severity - Some Impact
 Score - High

Mitigation/Solution

All data protection rights are managed by the central Information Governance Team (CIGT). All staff are regularly reminded in annual training that any such rights requests need to be sent over to the team for prompt action

Mitigated Risk

Likelihood - Unlikely
 Severity - Some Impact
 Score - Low

Result

Reduced

Inability to meet individuals' right to object

Not assessed

Inability to meet individuals' rights relating to automated decision making and profiling

No Risk

Additional project specific risks

No additional risks recorded

6 Declaration

I confirm to the best of my knowledge that the information I have provided is true, complete and accurate *

Selected

I confirm that I will make sure that data protection has been and continues to be considered throughout the project life cycle and should circumstances change in the project to include any processing of personal data a further Data Protection Impact Assessment Screening will be carried out *

Selected

7 Application Details

Last Updated Date Time

01/08/2024 18:36:08

Screening Submitted Date Time

19/07/2024 18:34:34

Last Reopened Date Time

No Date Recorded

Full Impact Submitted Date Time

01/08/2024 17:36:08

Approved/Rejected Date Time

02/08/2024 11:45:55

Current User Dashboard Request Status

Complete

8.0 People with access to the original screening

[Matthew Stiles \(MStiles@worcschildrenfirst.org.uk\)](mailto:MStiles@worcschildrenfirst.org.uk)

[Matthew Stiles \(MStiles@worcschildrenfirst.org.uk\)](mailto:MStiles@worcschildrenfirst.org.uk)

[Yusuf Hussain \(YHussain@worcschildrenfirst.org.uk\)](mailto:YHussain@worcschildrenfirst.org.uk)

8.1 People with access to this data protection assessment

[Matthew Stiles \(MStiles@worcschildrenfirst.org.uk\)](mailto:MStiles@worcschildrenfirst.org.uk)

[Matthew Stiles \(MStiles@worcschildrenfirst.org.uk\)](mailto:MStiles@worcschildrenfirst.org.uk)

[Yusuf Hussain \(YHussain@worcschildrenfirst.org.uk\)](mailto:YHussain@worcschildrenfirst.org.uk)

9 Direct Questions

Question:

Hi both, I've reviewed the Data Protection Impact Assessment and have added some risks to the processing. This is because when people are involved in processing there is always the risk that something may go wrong by accident - therefore difficult to state categorically that there is 'no risk'.

I would strongly recommend that you review the related privacy notice to check that this still adequately describes the processing you are doing: <https://www.worcestershire.gov.uk/school-attendance-legal-proceedings-privacy-notice>. I'll separately send you over a word version of the notice so you can amend accordingly and send back to me to upload to the website - I note Babcock is still listed so does need a bit of a tweak. This will need to be reviewed as part of the WCF transition back to WCC anyway so this would be a good opportunity.

Thanks, Becki

Asked by Becki Staitte (BStaitte@worcestershire.gov.uk) at 01/08/2024 19:05:53

Matthew Stiles (MStiles@wrcschildrenfirst.org.uk), and Yusuf Hussain (YHussain@wrcschildrenfirst.org.uk) have been asked this question.

Response:

Privacy Notice updated and emailed, thanks.

Matthew Stiles (MStiles@wrcschildrenfirst.org.uk) at 02/08/2024 10:14:58

Add Response