

DPIA and Information Sharing/Processing Approval Procedure

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Approvals

V0.1	Caldicott Guardians	July 2016
V1	Information Governance Steering Group	August 2016
V2	Information Governance Steering Group	20 November 2018

Author:

Information Manager and Data Protection Officer
Resources Directorate, Warwickshire County Council

1. Introduction and aims

This procedure aims to clarify the process of approving Data Protection Impact Assessments (DPIA). It also includes approving of any subsequent information/data sharing agreements and data processing agreements in Warwickshire County Council (WCC). This can be complex depending on the scope and partners involved.

This procedure is **mandatory** and must be followed by all staff as part of the council's [Information Governance Framework](#), the standard for managing information in the council and is one of the linked procedures in the [Information Compliance policy](#) aimed at all staff.

2. Scope

This procedure applies to all employees, councillors, agency staff, contractors or any other persons who are designing or planning to implement changes to processes, or introduce or change systems that involve processing personal or confidential data.

3. Procedure

For new commissioning, projects or systems, a Data Protection Impact Assessment should be completed before starting on any procurement or sharing agreements.

The WCC Information Governance Framework states that each Assistant Director is an Information Asset Owner who is accountable for information assets within their business unit. The Information Asset Owner (IAO) is accountable for how it is held, used and shared and address risks to the information.

The Senior Information Risk Owner (SIRO) is overall responsible for managing information risk in the council, ensuring information governance compliance with legislation and council policies and provides a focal point for managing information risks.

The Caldicott Guardian is responsible for ensuring that all personal/patient identifiable information handled by social care services and public health respectively, are compliant with existing law and standards and they act to

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safeguard the rights of service users.

The service contact will complete an assessment. This will be reviewed by Information Management and the Data Protection Officer. Information Management will decide on the risk level. If low risk, the Service Manager will approve, and this may be copied into the Caldicott Guardian as appropriate for health & care processing.

Where there is a **high** impact/risk, Information Management will support the service contact to complete the assessment. The Data Protection Officer will review the assessment. This will then be approved by an Assistant Director (as the IAO), Senior Information Risk Owner (SIRO), and Caldicott Guardian as appropriate. The basis for sharing must be established and the data protection principles covered.

No information/data sharing agreements or processing schedules should be drafted before a Data Protection Impact Assessment has been completed and approved.

An Assistant Director should then approve agreements where they are accepting responsibility on behalf of WCC for secure transfer, handling and storage within their Business Unit.

Any legally binding 'contracts' that include indemnity clauses must be approved by Corporate Legal Services. This includes data processing schedules/agreements with suppliers/providers when commissioning services, as well as a sharing agreement that has indemnity clauses included.

4. Health and social care

In addition to the above procedure, there is an agreed [strategy](#) and [protocol](#) for sharing health and social care data for direct and non-direct care across Coventry and Warwickshire. Sharing can take place for direct care between DSP Toolkit 'trusted' organisations without the need for a formal Data Exchange Agreement.

For non-direct care, the Coventry & Warwickshire Information Sharing Advisory Group will review and ensure an impact assessment is undertaken, agreements are drafted and the necessary Caldicott Guardian / Information Asset Owner approvals are obtained, before sharing can start.

5. Summary procedure

Activity	Reviewed by	Approved by
Data Protection Impact Assessment	Service Contact Information Management Data Protection Officer	Service Manager
Data Protection Impact Assessment (high risk)	Service Manager Information Management Data Protection Officer	Assistant Director SIRO as appropriate Caldicott Guardian for social care or public health
Information Sharing Agreement (non contractual)	Service Manager Information Management	Assistant Director
Information Sharing Agreement with legally binding contract terms	Service Manager Information Management Corporate Legal Services	Head of Legal Services or as delegated
Data Sharing Exchange (Health only - part of Coventry & Warwickshire Sharing Protocol)	Service Manager Information Management	Assistant Director for Commissioning & Public Health / Children & Families /Adult Social Care
Data Processing Agreement/Schedule (contractual)	Service Manager Information Management Corporate Legal Services	Head of Legal Services or as delegated

6. Further advice

If you need clarification or the latest advice, please see the Information Management webpage: www.warwickshire.gov.uk/imchange or general contacts below.

Information Management
Resources Directorate
Shire Hall

Internal site: www.warwickshire.gov.uk/im
Email: informationmanagement@warwickshire.gov.uk
Telephone: 01926 418633

7. Definitions

Data Protection/Privacy Impact Assessment (DPIA)	<p>A risk assessment of the impact, likelihood and risks to processing personal data and actions to be taken to mitigate the risk. There is specific processing when a DPIA must be carried out. If risk cannot be mitigated or reduced then the DPIA should be referred to the ICO.</p> <p>High risk - See ICO definitions when processing is likely to result in a high risk and example. WCC may further define what is high risk. https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/when-do-we-need-to-do-a-dpia/</p>
Data Processing Schedule	A legally binding contract between a Data Controller and Data Processor to process personal data
Data/Information sharing agreement/protocol (ISA)	An agreement between two or more Data Controllers to share/transfer personal data held by one or more Controllers
Caldicott Guardian (CG)	A Caldicott Guardian is responsible for ensuring that all personal/patient identifiable information handled by social care services and public health respectively, are compliant with existing law and standards and they act to safeguard the rights of service users.
Information Asset Owner (IAO)	IAO is an Assistant Director and is accountable for information assets within their business unit. They are able to understand how it is held, used and shared and address risks to the information.
Information Management	The Information Management unit
Senior Information Risk Owner (SIRO)	The SIRO is overall responsible for managing information risk in the council.
Service Contact	Lead for the service and understands the processing
Service Manager	Manager responsible for the service, delegated responsibility for the information assets, reports to Assistant Director

Appendix A - Version 1 approvals

Previous version with PIA and Head of Service accountable.

Activity	Reviewed by	Approved by
Privacy impact assessment (lite)	Information Management	Information Management (copy into Caldicott Guardian). Service Manager
Privacy impact full assessment report	Information Management	Information Management. Caldicott Guardian for social care or public health. Head of Service for other service areas. SIRO as appropriate.
Information Sharing Agreement	Information Management	Head of Service
Information Sharing or Data Processing agreement with legally binding contract terms	Corporate Legal Services	Head of Law & Governance or as delegated
Data Sharing Exchange (Health only - part of Coventry & Warwickshire Sharing Protocol)	Information Management	Head of Service for Public Health / Children & Families /Adult Social Care / Strategic Commissioning