**DATA PROTECTION IMPACT ASSESSMENT (DPIA)**

**Period Products (Free Provision) Act (Northern Ireland) 2022**

**Public consultation on s1 arrangements**

**Submitting Controller Details:**

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| --- | --- |
| **Name of Data Controller** | **THE EXECUTIVE OFFICE**  Equality Policy & Legislation Branch |
| **Name of Data Controller Information Asset Owner (IAO)** | **SIOBHAN BRODERICK**  (Grade 5) |
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| **Name of Data Controller Data Protection Officer (DPO)** | **DAVID MOORE** |

**Version Control Table:**

| **Version** | **Author** | **Date** | **Description** | **Reviewer / Approval** |
| --- | --- | --- | --- | --- |
| 0.1 | Marc Vannucci | 04/05/2023 | Initial draft for review. |  |
| 0.2 | Stephen Power | 07/06/2023 | IMCAB Advice & Guidance. |  |
| 0.3 | Hannah Cavalleros | 09/06/2023 | Feedback addressed and finalised draft. |  |
| 1.0 | David Moore | 12/06/2023 | Baseline version. |  |
| 1.1 |  |  | [DN example - Updated:   1. Pg x – 2. Pg y –] |  |
| 2.0 |  |  | [DN example - Updated version] |  |
| 2.1 |  |  |  |  |
| 3.0 |  |  |  |  |

# Requirements for carrying out a Data Protection Impact Assessment (DPIA).

# Article 35 of the UK General Data Protection Regulation (UK GDPR)

* In line with regulatory guidance, a DPIA should be considered or undertaken in the following circumstances:
* Any major project or programme involving the use of personal data.
* If we plan to plan to carry out any other:
* Evaluation or scoring.
* Automated decision-making with significant effects to the data subject(s).
* Systematic monitoring.
* Processing of sensitive data or data of a highly personal nature.
* Processing on a large scale.
* Processing of data concerning vulnerable data subjects.
* Innovative technological or organisational solutions.
* Processing that involves preventing a data subject from exercising a right, using a service or contract.
* We always carry out a DPIA if we plan to:
* Use systematic and extensive profiling or automated decision-making to make significant decisions about people.
* Process special-category data or criminal offence data on a large scale.
* Systematically monitor a publicly accessible place on a large scale.
* Use innovative technology.
* Carry out profiling on a large scale.
* Process biometric or genetic data in combination with criteria in European guidelines.
* Combine, compare, or match data from multiple sources.
* Process personal data without providing a privacy notice directly to the individual.
* Process children’s data for profiling or automated decision-making or for marketing or offer online services directly to them.
* Process personal data that could result in the risk of physical harm in the event of a security breach.
* We carry out a new DPIA if there is a change to the nature, scope, context, or purposes of our processing.
* If we decide not to carry out a DPIA, we document our reasons.

# DPIA Screening Questions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| These screening questions will assist you in determining whether a full DPIA is necessary; and should be considered in conjunction with the requirements in section 1. The decision whether or not to proceed to full DPIA should be recorded in Section 3. | | | | | |
|  | | **Yes** | **No** | **Unsure** | **Comments** |
| i | Is the information about individuals likely to raise privacy concerns or expectations e.g., health records or other information people would consider particularly private? |  |  |  |  |
| ii | Will the initiative involve the collection of new information about individuals? |  |  |  |  |
| iii | Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used? |  |  |  | TEO is using information collected via a public consultation which is to seek the views of users of period products on a number of issues including:   1. How they ought to be able to obtain period products free of charge; 2. Where period products ought to be obtainable free of charge; and 3. What types of period products ought to be obtainable free of charge. |
| iv | Will the initiative require you to contact individuals in ways which they may find intrusive? |  |  |  |  |
| v | Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information? |  |  |  |  |
| vi | Does the initiative involve using new technology which might be perceived as being privacy intrusive e.g., biometrics or facial recognition? |  |  |  |  |
| vii | Will the initiative result in making decisions or taking action against individuals in ways which can have a significant impact on them? |  |  |  |  |

1. **Background Information:**
   1. **About:**

**Period Products (Free Provision) Act (Northern Ireland) 2022**

***What it aims to achieve:***

***“An Act to secure the provision throughout Northern Ireland of free period products; and for connected purposes.”***

England, Scotland, and Wales each have varying schemes in place to provide period products free of charge in schools and some other public buildings. Northern Ireland was the only place in the United Kingdom where such products were not provided free of charge in schools. However, pilots have now commenced in schools and Higher Education Institutions. The Act considers that there is an undeniable need to extend this provision and to provide sustained free access to period products in other publicly accessible settings. To that end the Act requires that The Executive Office (TEO) must ensure that free products are made available to anyone that needs them across Northern Ireland from May 2024.

The Period Products (Free Provision) Act (Northern Ireland) 2022 has three broad policy objectives:

1. To place a duty on the Executive Office to ensure that period products are available free of charge on a universal basis in appropriate locations.
2. To require the Executive Office to specify by way of regulations public service bodies who have a duty to ensure period products are widely obtainable free of charge in their premises; and
3. To place a number of duties on departments and other specified public service bodies in respect of their obligations under this Bill and to place a duty on Departments to issue guidance on the exercise of the functions conferred on specified public service bodies.

***Types of processing involved:***

The categories of personal information we are processing are:

* Organisation (e.g. School, Public Authority, Further & Higher Education establishment, Arms-Length Body, Non-Departmental Public Body, Community & Voluntary Sector organisation etc.)

**Source:**

From, but not limited to:

* Online Public Consultation(s); and / or
* Online Questionnaire(s); and / or
* Online Survey(s).

***Effect and benefits for / on data subjects:***

TEO has the following reasons for processing personal information:

* Delivery of a TEO (policy) function.
* Necessary to provide a (public) service; and
* Required to discharge a legal obligation.

Article 6(1)(e) gives TEO a lawful basis for processing where:

*“Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”*

Processing is necessary for the Department to perform a task carried out in the public interest, and for our official functions.

TEO will be the data controller for the personal data it collects. We are using the following lawful bases under UK GDPR to process personal data:

* Article 6(1)(e) of the UK GDPR – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

***Effect / benefits for / on the project:***

As above.

***Refer to / link the project proposal/initiation:***

<https://www.legislation.gov.uk/nia/2022/25/enacted>.

* 1. **Summarise whether or not a full DPIA is needed.**

[*if a full DPIA is not required then only section 4 needs to be completed to help review the need for a full DPIA*]

A full DPIA is NOT needed as the Equality Policy & Legislation Team is not processing personal information or data in a way that can or will identify any individuals.

1. **Describe the Nature and Scope of the Processing**

*[DN useful to add a table of classes of data at annex A]*

* 1. **Collection, use, storage, access, retention periods, and deletion of data:**

The information you provide will be held in the Department’s official accredited records management systems, and will be protected from unauthorised or unlawful processing, and against accidental loss, destruction, or damage.

It will be retained only for as long as is necessary; specifically, for **7 years** in accordance with The Executive Office’s retention and disposal schedule.

* 1. **Sources of the data:**

From, but not limited to:

• Online Public Consultation(s); and / or

• Online Questionnaire(s); and / or

• Online Survey(s).

* 1. **Nature of the data:**

The name(s) of organisation(s) providing the data.

* 1. **Scope / amount / time period / geographical area of data processed:**

**Scope:**

The purpose of the public consultation is to seek the views of users of period products on a number of issues including:

1. How they ought to be able to obtain period products free of charge;
2. Where period products ought to be obtainable free of charge; and
3. What types of period products ought to be obtainable free of charge.

**Amount:**

Dependant on the number of responses / respondents to the public consultation.

**Time Period:**

19 June 2023 – 11 September 2023\*

*\*NB: Dates subject to change.*

**Geographical Area:**

Primarily aimed at people in Northern Ireland but anyone in the UK, RoI, EU or Internationally may choose to respond to this public consultation.

* 1. **Sharing of the data:**

Access to any personal information processed will be restricted to those persons who are involved in the Equality Policy & Legislation Branch. Access controls will be regularly reviewed and permissions will be added and removed as officials join or leave the Branch.

All Equality Policy & Legislation Officials who have access to any personal information processed will have undertaken compulsory / mandatory training on:

* + Data Protection Essentials (e-Learning);
  + Freedom of Information and Environmental Information Regs. Essentials (e-Learning); and
  + GDPR Awareness (e-Learning).

Learning & Development will be refreshed on an annual basis for all courses and all staff.

None of the personal information processed will be transferred to 3rd countries or international organisations.

* 1. **Special category, or criminal data:**

Not Applicable.

* 1. **High risk processing (**[**https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/examples-of-processing-likely-to-result-in-high-risk/**](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/examples-of-processing-likely-to-result-in-high-risk/)**)**

Not applicable.

* 1. **Record of processing activities / data flow map (Article 30 UK GDPR)**

Not applicable.