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Date 11th March 2019

Dear Ms Kelly

Freedom of Information request – 52482

Thank you for your e-mail of 20th February 2019 in which you ask for information relating to the Home Office and the General Data Protection Regulation. Your request, which is set out in full in the attached Annex A (with numbering added for reference) has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

I can confirm that the Home Office holds the information which you have asked for in part 1 of your request. This information is shown at Annex B.

With reference to part 2 of your request, I can confirm that the Home Office holds the information which you have asked for. However, after careful consideration we have decided that the information is exempt from disclosure under section 22 of the FOIA. This provides that information can be withheld if it is intended for future publication. We intend to publish information on the number of data protection impact assessments as part of the Home Office annual report by the end of the current financial year. The annual report will be available at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727179/6_4360_HO_Annual_report_WEB.PDF

Section 22 of the Act is a qualified exemption and requires consideration of the public interest test. Arguments for and against disclosure in terms of the public interest with the reasons for our conclusion, are set out in the attached Annex C.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gsi.gov.uk, quoting reference 52482. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Home Office Data and Identity

Switchboard 020 7035 4848

E-mail FOIRequests@homeoffice.gsi.gov.uk

Annex A: Request 52482 in full.

1. Please provide me with a copy of your full GDPR Data Protection Impact Assessment (DPIA) questionnaire/assessment/template. It can be blank with no responses included so there is no concern with any sensitive data being released. This request should include any preliminary questions or any questions/mechanism for determining if a DPIA is required to be completed.

These assessments are required under Article 35 of GDPR.

I would prefer this is a machine readable format e.g. Excell or Word but if this is not possible, PDF or screen shots is sufficient.

2. Please also confirm the number of DPIA's that have been completed since May 2018.

Appendix B : Home Office Data Protection Impact Assessment .

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The DPIA Process

The DPIA process is designed to ensure that the Department meets its statutory obligations under new Data Protection legislation (legislation). This process replaces the Privacy Impact Assessment (PIA) and Data Sharing Toolkits (DST) processes. This process will assist the Department in the identification and management of data protection risks (and any other risks to fundamental rights and freedoms) caused by the processing of personal data and to achieve privacy by design.

This process is only engaged when a new project/ programme/ processing activity (including data sharing) that will involve the processing of personal data is planned. However, it should also be used where changes are being made to an existing project/ programme/ processing activity that may impact on the personal data being processed. In these cases, it is recommended that a DPIA is completed.

The DPIA process is made up of two stages. The first stage is the screening stage to identify whether or not personal data is being processed and if so, the severity of the risk

involved in that processing. The second stage is a full impact assessment. Those completing this document will only proceed to the second stage if personal data is identified as being processed and the risk to that processing is assessed as high. Please refer to the Home Office DPIA guidance for more information including a guide on how to complete the template.

Who is responsible for the screening?

The Senior Responsible Owner for the project/ programme/ processing activity, or the Information Asset Owner for the data set is responsible for ensuring the screening is done, but the document can be completed by another officer with suitable knowledge of the proposed processing activity. It is important that all directly affected and interested parties are identified and consulted where appropriate during this process.

When does the screening take place?

It is mandatory to complete the screening for all proposed projects/ programmes/ activities that involve processing personal data; and where a substantial change is being made to existing projects/ programmes/ activities. The screening must be completed before the data processing commences unless, in exceptional circumstances such as where it is imperative to act quickly to protect the public, in which case an assessment can be completed retrospectively, but as soon as is practically possible.

Pre-screen check list

Depending on the type of data being processed and the activity that is being proposed, you may need to complete different parts of this document. Please complete this pre-screen checklist as you go along to aid completion of the document.

1. DPIA Stage 1

1. Does the proposal/ project/ activity involve processing personal data? (Data Protection applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier).

☐ Yes

☐ No

NB: If the answer to the previous question is no, then no further questions need to be answered and the form is complete. If the answer is yes, please continue.

2. Does the processing activity include the evaluation or scoring of any of the following?
- profiling and predicting (especially from "aspects concerning the data subject's performance at work)
 - economic situation
 - health
 - personal preferences or interests
 - reliability or behaviour
 - location or movements.

☐ Yes

☐ No

3. Automated decision-making with legal or similar significant effect:

Processing that aims at taking decisions on data subjects producing "legal effects concerning the natural person" or which "similarly significantly affects the natural person".

☐ Yes

☐ No

4. Systematic monitoring:

Processing used to observe, monitor or control data subjects, including data collected through networks or "a systematic monitoring of a publicly accessible area" i.e. CCTV.

☐ Yes

☐ No

5. Mostly sensitive data or data of a highly personal nature:

This includes special categories of personal data as well as personal data relating to criminal convictions or offences.

NB: this also includes personal data with the security marking of SECRET or TOP SECRET.

☐ Yes

☐ No

6. Data processed on a large scale (in excess of 1000 records in either a single transaction or over a 12-month period).

☐ Yes

☐ No

7. Matching or combining datasets, for example originating from two or more data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject. (This would not apply to matching or combining datasets from different IT systems, but processed for the same purpose and legal basis e.g. CID and CRS).
- ☐ Yes ☐ No
8. Mostly data concerning vulnerable data subjects including children. (This only applies where the entirety (or high percentage) of the data being processed relates to this category).
- ☐ Yes ☐ No
9. The innovative use or applying new technological or organisational solutions, like combining use of finger print and face recognition for improved physical access control, etc.
- ☐ Yes ☐ No
10. When the processing in itself “prevents data subjects from exercising a right (under Data Protection Legislation and the GDPR) or using a service (provided by) or a contract (with) the Department”.
- ☐ Yes ☐ No
11. If you have answered yes to one or more of the above questions, then a DPIA must be completed. If you have answered no to all of the questions, but you feel the planned policy/ process/ activity is significant, or carries reputational or political risk, then please complete the DPIA. If you are unsure or have any doubts about whether a DPIA should be completed, please consult with the office of the Data Protection Officer (DPO).
- ☐ Yes ☐ No

DPIA Stage 2

Section 1

1.1 Proposal/ Project/Activity title:

1.2 Information Asset title (s):

1.3 Information Asset Owner/s (IAO):

Email:

Name:

Telephone Number:

Information Asset title:

Email:

Name:

Telephone Number:

Information Asset title:

Email:

Name:

Telephone Number:

Information Asset title:

1.4 Officer completing DPIA:

Email:

Name:

Telephone Number:

Business Unit/Team:

1.5 Date completed:

1.6 Data Mapping reference:

1.7 Version:

1.8 Linked DPIAs:

1.9 Publication date:

NB. If the intention is not to publish the completed DPIA either in full, or in part, record the reason why here

Section 2 (personal data)

2.1 What personal data is being processed?

2.2 Does it include any of the following special category or criminal conviction data?

- Race or ethnic origin (including nationality)
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data or biometric data for the purpose of uniquely identifying individuals
- Health
- Sexual orientation or details of the sex life of an individual

☐ Yes

☐ No

2.3 Will any personal information be processed or collected relating to an individual age 13 years of age or younger?

☐ Yes

☐ No

2.4 (If yes) What additional safeguards are necessary for this processing activity? If none, explain why.

2.5 Will data subjects be informed of the processing?

☐ Yes

☐ No

If yes move to 2.7

2.6 (If no) Why not?

2.7 (If yes) How will they be informed/notified?

2.8 (a) Which HO staff will have access to the data?

2.8 (b) How will that access be controlled?

2.9 Where will the data be stored?

2.10 If the data is being stored by electronic means - as opposed to hard copy paper records - does the system have the capacity to meet data subject rights (eg, erasure, portability, suspension, rectification etc)?

☐ Yes

☐ No

If 'No' state why below and move to 2.12

2.11 If you have chosen yes for 2.10, provide details of how these requirements will be met

2.12 What is the retention period, how will data be deleted in line with the retention period and how will that be monitored?

2.13 If physically moving/sharing/transferring data, how will the data be moved/ shared?

2.14 What security measures will be put in place around the / movement/ sharing/ transfer?

2.15 Is there any new/additional personal data being processed (obtained from either the applicant or a third party) for this activity?

☐ Yes

☐ No

(If the answer is yes, provide details)

2.16 What is the Government Security Classification marking for the data?

OFFICIAL/OFFICIAL-SENSITIVE ☐

SECRET ☐

TOP SECRET ☐

Section 3 (purpose)

3.1 What is the purpose for the processing? (Provide a brief description of what the purpose is for the processing activity e.g. sharing with a third party; storing data in a new way; automating a data processing activity etc.)

What resources are needed to build the model? (e.g. FTEs, skills, software, external resource)

3.2 What is the lawful basis for the processing? (Choose an option from the list)

Consent ☐

Contract ☐

Legal obligation ☐

Vital Interest ☐

Performance of public task ☐

Legitimate Interest ☐

3.3 If processing special category data (see 2.3 above), what is the condition for processing?

Consent ☐

Employment/Social Security ☐

Vital Interest ☐

Non-profit making organisation ☐

In the public domain ☐

(Exercising/defending) legal rights ☐

Public Interest ☐

Personal healthcare ☐

Public healthcare ☐

Research ☐

3.4 Is the purpose for processing the information the same as the original purpose for which it was obtained?

☐ Yes

☐ No

If no, what was the original purpose and lawful basis?

Original purpose:

Original Lawful basis:	Consent	<input type="checkbox"/>
	Contract	<input type="checkbox"/>
	Legal obligation	<input type="checkbox"/>
	Vital Interest	<input type="checkbox"/>
	Performance of public task	<input type="checkbox"/>
	Legitimate Interest	<input type="checkbox"/>

NB: Legitimate interest is not available for the performance of a public task

Section 4 (Processing activity)

4.1 Is the processing replacing or enhancing an existing activity or system? If so, please provide details of what that activity or system is and why the changes are required.

☐ Yes ☐ No

If the answer is yes move to 4.3

4.2 Is the processing a new activity?

☐ Yes ☐ No

4.3 How many individual records or transactions will be processed (annually) as a result of this activity?

4.4 Is this a one-off activity, or will it be frequent, or regular?

4.5 Does the processing activity involve another party?

(This includes another internal HO Directorate, as well external HO parties both public and private sector)

☐ Yes ☐ No

If the answer is “No” move onto 4.9

4.6 Is the other party another part of the HO Group for which the Home Secretary of is the data controller? If yes, provide details

☐ Yes ☐ No

4.7 Is the other party another public authority in the UK? If so, provides details AND complete questions in Section 6.

☐ Yes ☐ No

Provide brief details here and then ensure Section 6 is also completed

4.8 Is the other party a private sector organisation in the UK? If so, provide details AND complete questions in Section 6.

☐ Yes ☐ No

Provide brief details here and then ensure Section 6 is also completed

4.9 Will the handling of data involve transfer of data to public bodies or private organisations outside the EEA?

☐ Yes

☐ No

If no move to 4.10

- a) If yes, provide brief details of the country/ies and also complete Section 7 (International Transfers)

4.10 Is the processing for law enforcement purposes?

☐ Yes

☐ No

If the answer is yes, you will need to complete Section 5

4.11 Does the proposal involve profiling operations likely to significantly affect individuals?

☐ Yes

☐ No

If yes, provide details

4.12 Does the proposal involve automated decision making?

☐ Yes

☐ No

If yes, provide details

4.13 Does the processing involve using new technology?

☐ Yes

☐ No

If the answer is no, proceed to question 4.15

4.14 Describe the new technology being used including who is supplying and supporting it.

4.15 Are the views of impacted data subjects and/ or their representatives being sought directly in relation to this processing activity?

☐ Yes

☐ No

If yes, explain how that is being achieved and move to 4.18

- a) If no, what is the justification for not seeking the views of data subjects and/ or their representatives?

Benefits

4.16 List the benefits of undertaking the processing activity, including named business owner of the benefits and how they will be measured. If the beneficiaries include those outside the HO these must be listed as well.

Benefit(s):

How will they be measured?:

Benefit(s) Owner (in HO):

Beneficiaries:

4.17 Are there any other known, or anticipated risks associated with the processing of personal data that have been identified by the project/ programme/ initiative owner, which have not been captured in this document?

☐ Yes

☐ No

If yes, provide details and carry on to question 4.17 a)

- a) If required, what steps have been taken to mitigate the risks listed at question 4.17 above?

Section 5 (Processing for law enforcement purposes)

5.1 Was the data previously being processed for a different purpose?

☐ Yes

☐ No

If the answer is no, move to 5.4

5.2 If yes, what was that purpose?

☐ Yes

☐ No

If the answer is no move to 5.4

5.3 At that time was the data being processed by another Controller or HO IAO?

☐ Yes

☐ No

If yes, provide details

5.4 Is any new and/ or additional data being processed for this purpose?

☐ Yes

☐ No

If no move to 5.6

5.5 What is the new/additional data, the source and the legal basis for the processing?

New data:

Source:

Lawful basis (*see 3.2 above):

5.6 Where will the data be stored/retained?

***See 2.8 and 2.9**

5.7 If being stored electronically, does the system have logging capability?

☐ Yes

☐ No

If yes, move to 5.9

- a) If no, what action is being taken to either address this issue or mitigate the risk of non-compliance with DP legislation?

[Click or tap here to enter text.](#)

5.8 Will it be possible to easily distinguish between different categories of individuals (e.g. persons suspected of having committed an offence, victims, witnesses etc.)?

☐ Yes

☐ No

If yes, move to 5.9

- a) If no, what action is being taken to either address this issue or mitigate the risk of non-compliance with DP legislation?

☐ Yes

☐ No

5.9 Does the proposal involve using new technology which might be perceived as being privacy intrusive?

☐ Yes

☐ No

Section 6 Data Sharing

6.1 External contact details for data exchange

Name:

Grade:

Organisation:

Business Unit/Area:

Contact email:

Contact telephone:

Name:

Grade:

Organisation:

Business Unit/Area:

Contact email:

Contact telephone:

6.2 How long will the data be retained by the receiving organisation?

***See 2.8 and 2.9**

6.3 How will it be destroyed by the receiving organisation once it is no longer required?

***See 2.8 and 2.9**

6.4 Does the arrangement require a data sharing agreement (MoU)?

☐ Yes

☐ No

If no, provide details why a formal written agreement is not required and move to 6.6

6.5 Provide details of the proposed HO MoU signatory and confirm they have agreed to be responsible for the data sharing arrangement detailed in this document.

Name:

Grade:

Business Unit/Area:

Contact email:

Contact telephone:

6.6 Will the recipient share any HO data with a third party including any 'processors' they may use?

☐ Yes

☐ No

If yes, please provide the identity of the processor and confirm details of that arrangement will be included in the data sharing agreement

6.7 Has advice been sought from HO Legal Advisers in respect of this data sharing activity?

☐ Yes

☐ No

If no, explain why HO Legal Advisors have not been consulted

6.8 Provide a summary of the legal advice received

Technical impact and viability

6.9 Which of the following reflects the data exchange?

- | | | | | |
|--------------------|--------------------------|-----|--------------------------|----|
| Data extract | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Data matching | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Data reporting | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Data exchange/feed | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Direct access | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

6.10 Has any analysis or feasibility testing been carried out?

- ☐ Yes ☐ No

If yes, provide details. If no, explain why it is not required.

6.11 Please confirm whether

a) development work is required

- ☐ Yes ☐ No

If yes, provide details including time frame

b) there be a fiscal cost?

- ☐ Yes ☐ No

If yes, provide the cost details

6.12 Would the increased volumes result in any degradation of an existing service?

- ☐ Yes ☐ No

If no, move to 6.14

6.13 Provide details and how that risk to the business is being mitigated

Security Checklist

6.14 Given the security classification of the data, are you satisfied with the proposed security of the data processing/ transfer arrangements detailed at 2.14 above?

- ☐ Yes ☐ No

NB: Please also confirm that you have read the associated [guidance](#) and, if necessary, consulted with HO Security:

- a) 6.15 (If the answer is no) What needs to happen to ensure that adequate security arrangements are achieved?

Section 7 (International transfers)

7.1 Does the activity involve transferring data to a country outside of the EEA?

- ☐ Yes ☐ No

If yes, specify the country and continue with this section. If no, do not complete the rest of this section, and go to Section 8.

7.2 Does the country have a positive adequacy decision from the European Commission?

☐ Yes ☐ No

a) If no, under what legal basis do you propose to share the data?

- Pursuant to a legally binding Treaty which recognises the rights of data subjects and includes effective legal remedies for those rights ☐
- Pursuant to an administrative (non-binding) arrangement approved by the UK Information Commissioner which recognises the rights of data subjects and includes effective legal remedies for those rights ☐
- On the basis that the transfer is necessary for 'important reasons of public interest' which are recognised in statute or common law ☐

7.3 If relevant, have you carried out an Overseas Security and Justice Assistance (OSJA) assessment to determine if there are any human rights or legal/reputational risks?

☐ Yes ☐ No

a) Provide details of when one will be completed and by whom?

7.4 Does the HO already have a data sharing agreement (MoU) with this country?

☐ Yes ☐ No

If no, skip 7.4 a)

a) If yes, does the agreement cover the purpose(s) for which you need to share data?

☐ Yes ☐ No

If you have selected no for 7.4, you will need to consider reviewing the existing agreement to include the new processing activity

- I. If yes, does the agreement recognise the rights of data subjects? Does it include effective legal remedies for data subjects' rights; or set out important reasons of public interest and how those reasons are legally founded?

☐ Yes ☐ No

If yes move to Section 8

- II. If no, how do you propose to document the terms of the understanding with the other country (including mitigations for risks identified in the

III. OSJA assessment)?

Section 8

8.1 Date referred to the DPO

8.2 Comments/recommendations

8.3 Completed by

8.4 Date returned to the business owner listed in Section 1

8.5 Date re-referred to the DPO

8.6 Comments/ recommendations

8.7 Completed by

8.8 Date returned to the business owner listed in Section 1

Section 9

9.1 Date referred to the SIRO

9.2 Referred by

9.3 Reason for referral to the SIRO

9.4 Comments/questions recommendations from SIRO

9.5 Completed by (SIROs' details)

9.6 Date returned to the business owner listed in section 1

9.7 Action taken by business owner listed in section 1

Effective Date	May 2018
Last Review Date	25/06/18
Next Review Date	24/06/19
Owner	DID
Approved by	Head of DID
Audience	All HO Staff

Annex C: Explanation of exemption and public interest test.

Section 22(1) (information intended for future publication)

Public interest test in relation to section 22

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in maintaining the exemption. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not necessarily the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

Considerations in favour of disclosing the information

There is a general public interest in the disclosure of information to ensure departmental transparency and accountability. There is also a specific public interest in enabling access to information about the Home Office's compliance with the General Data Protection Regulation. It is important for the general public to have insight into the effect of this legislation and level of compliance by public authorities.

We recognise that there may be a public interest in disclosing this information now and that this may weigh in favour of it being unreasonable to wait for the information to be published.

Considerations in favour of maintaining the exemption

It is in the public interest to ensure that the publication of official information is a properly planned and managed process. The Home Office must ensure that the information intended for publication meets the standards and requirements set for departmental publications. It would not be in the public interest for the Home Office to release this information prior to meeting such standards.

Publication before the planned date, in response to individual FOI requests, would undermine the Home Office pre-planned publication procedures and its ability to use staff resources in a way that avoids undermining reasonable publication timetables.

Conclusion

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information for the time being, because it is in the overall public interest that the Home Office is able to plan its publication of information in a managed and cost effective way.