Data Protection Impact Assessment (DPIA) - Full Assessment

Guidance for the Project Manager and Sponsor

Use the pre-screening template first. If that shows a high risk in processing the data then you must carry out this full DPIA. **Do not complete this form unless you have already completed the pre-screening and it shows high risk and the DPO as advised you to do a full DPIA.**

The Data Privacy Impact Assessment (DPIA) will enable you to systematically and thoroughly analyse how your project or system will affect the privacy of the people whose data you are dealing with and show how you will minimise the privacy risks. This template has been designed to incorporate the legal requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Conducting a DPIA is a legal requirement under the GDPR particularly if the proposed processing is using new technologies and poses a high-risk to people's data.

GOVERNANCE ARRANGEMENTS

You must keep the signed DPIA and all supporting documents with your project file for audit purposes.

1. **PROJECT SUMMARY**

Project Name	Drug and alcohol testing for staff in safety critical roles	**Directorate and Service**	Supporting Communities
Project Sponsor and Position	Jo Brown, Director of People & Inclusion	**Project Manager and Position**	Darren Williams, Health and Safety Manager
Project Start Date **Project End Date**	Ongoing- updated doc April 2024	**Project Go Live Date (anticipated/planned)**	September 2021 Actual Go Live Date was March 2024
Third parties involved/associated	Hampton Knight	**Does this DPIA cover multiple projects?**	No

with the Project:			
High Level description of the Project: Drug and alcohol testing of employees in safety critical roles – jobs which jobs which involve activities that can place workers at risk, unless the person has full, unimpaired control of their physical and mental capabilities.			

2. DESCRIPTION OF THE PROJECT

Include here a plain English description of:

- *the Project (set the context so that it is clear what you want to do)*

We want to carry out alcohol and drug tests for staff in safety critical roles and record the results. The purpose of this is to ensure that the use of alcohol or drugs by any employee or any other person(s) associated with the Council does not impair the safe and efficient running of the business or put at risk the health, safety and wellbeing of its employees, customers, suppliers or members of the general public.
Information to be recorded is as follows:

- Employee Name
- Employee Date of Birth
- Barcode Number
- Employer Name
- Sample Collection Date
- Testing Reason
- Sample Type Test Results

Additional documents (opportunity to link out to risk assessments, Occupational Health reports etc)

- *what will be done with the data (the processing activities)*

- Test results will be recorded on the employee's existing staff record (Trim, the HR records management system.
- Following a positive test result then the data will be used to notify relevant individuals and their manager to engage in personal communications and discussions as well as Human Resources Business Advisors to consider disciplinary action. Where a positive result has been confirmed then an Occupational Health Assessment may be made for those with drug and alcohol dependency

We will not report any positive results to the Police or other enforcement agencies unless someone attempts to drive a vehicle away

following notification of a failed alcohol breath test

- Summary data will be used for more general reporting within the organisation will be done on number/percentage of staff tested and number of positive test results

- *the reasons why you need to process the data (the purpose)*

- To enable the council to effectively monitor ability of its staff carrying out hazardous activities such as driving council vehicles, working at height or operating machinery part of its duties as a responsible employer for health safety and welfare of staff and other who may be affected by our activities e.g. Camden citizens, pupils, members of the public, contractors etc.

- *the benefits that this project will provide*

- To identify any individuals who may be impaired due to the use of alcohol or drugs and so pose a risk to themselves, their colleagues which will ultimately help prevent work related drug and alcohol accidents

- *how the data will be processed (for example, who will carry out the processing and will they use software or other devices to do it)*
- *Testing will be carried out on-site by Hampton Knight, a UKAS accredited impartial testing company specialising in alcohol and drug testing at agreed dates*

Testing for alcohol it is 2-stage alcohol test using an approved electronic breath-testing device. The Collection Technician will manage the testing process with results given at the end of the test. Drug testing will be done by an analysis of a urine sample (or oral swab)taken on site and then sent onto a UKAS accredited laboratory for analysis and where applicable Medical Review. Results will then be reported within 5 working days of arrival at the laboratory

- *how will the data be stored?*

- Test results will password protected and sent via email from Hampton Knight to Camden's Project Manager who will upload these onto TRIM

- *where have you obtained the data from?*

- Hampton Knight and effectively the data subjects although the raw data is produced by analysis by Hampton Knight

- *How long will you be processing the data for and how often? For example, once a week for six months.*

  - Once a quarter or more frequent if required to carry out test for due cause following an accident/incident

- *What is the volume of the data? For example, 150 records of service users.*

  - Small number of staff (a list of job titles in scope from each service can be found in the **Appendix)** tested via random selection from each safety critical service in scope :
    - Camden Accessible Transport Services
    - Housing Repairs and Operations
    - Facilities Management
    - Estate Services Caretakers

Types of personal data to be processed and data flow map(s):

Personal data:
List the types of data that you intend to process and the types of data subject (for example, names, addresses of residents, service users etc):

- *Refer to this guidance to assess what is personal data:* https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/what-is-personal-data/

  - Person's Name
  - Person's Date of Birth
  - Details of any medication they may be taking that could affect the lab analysis results if they chose to declare it
  -

Special category data:
List the types of special category data and the types of data subject:

- *Refer to this guidance to assess what is special category data:* **https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/**

  - Alcohol test: Date – If Level of breath alcohol concentration exceeds 35mcg per 100ml (the Council level and English legal limit for alcohol) and the details of the test results.

- Drug test: Date – Any drugs detected on the list of drugs in scope - Type of drug, amount (ng/ml), test result (positive, negative, no result)

- *Any criminal convictions data?* **No**

Data Flows:

- *You may find it useful to use a flowchart, which you can attach at Annex A.*
- *The flowchart should show, for example: Data entry and exit points, location, user categories, data subject categories*

- List of all staff in scope for testing (this could be simply either name or employee number) on scheduled test days will be sent to Hampton Knight testing team by Camden's Project Manager
- Hampton Knight testing team to select small % of staff at random for testing and upon arrival on site notify service managers of staff required to attend for test
- Testing to be carried out on site as stated earlier in document
- Test results stored securely and electronically on Hampton Knight's systems before being uploaded onto a secure portal for Camden's Project Manager send onto HR Services for filing on TRIM

Hampton Knight's servers are encrypted and based in the UK. Oracle servers are in the Netherlands which is the EEA and so acceptable.

3. DATA PROTECTION PRINCIPLES

This section demonstrates how the project meets the data protection principles.

- How will you make sure that you only process the data that is necessary and proportionate for the purpose of the project, and no more than is necessary?

We will only process test results. Not all council employees will be tested. Testing will only be for employees in safety critical roles – jobs which jobs which involve activities that can place workers at risk, unless the person has full, unimpaired control of their physical and mental capabilities. Typical examples of safety critical activities are those which involve staff:

- using machinery

- using electrical equipment or ladders
- driving or operating heavy lifting equipment

The list of roles is in the Appendix and all staff work in one of these areas:

- Camden Accessible Transport Services
- Housing Repairs and Operations
- Facilities Management
-

    - If the data was originally collected for one purpose and you intend to use it for another purpose, explain how you will inform the data subjects. **N/A**

    - How will you make sure that the data is kept accurate and up to date?

    The only data that really needs to be kept up to date is the list of staff working in each service that is in scope for testing and we can get this from our HR records in advance of each scheduled testing day

    - How long will you keep the data for and how will you destroy it at the end of the retention period?

Paperwork for negatives tests is destroyed via confidential waste disposal after notification of results

Positive tests results the sample is kept 12 months and the paperwork for 2 years

Company policy to keep on file
Have you cleared the information security arrangements with the Information Security Manager? **Yes**

- **Record the Information Security manager's comments here:**

4. BASIS OF PROCESSING

- Which legal basis in Article 6 are you relying on? See this guide to help you identify the legal basis https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/
- If you think you need to rely on legitimate interests then ask the Information and Records Management Team for advice.
- If you are processing special category data, you will also need a legal basis under Article 9 to process this. See this guide to help you identify the legal basis **https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/**
- If you are processing criminal convictions data or data for law enforcement reasons then you should speak to the Legal team as you need an additional legal basis to do this.

Basis for processing under Art 6 (and Art 9 if special category data):

public task Article 6(1)(e) "processing is necessary for the performance of a task carried out in the public interest", being our duties to employees and the public under the Health and Safety at Work etc Act, and our general duties towards employees' well-being and safety.

For the Special Category Data the legal basis is **art 9(b) Employment, social security and social protection** with the DPA 18 schedule 1 part 1 condition being Health or social care purposes para 2 (2)(b) the assessment of the working capacity of an employee], and also **9 (g) Reasons of substantial public interest**) [with the DPA schedule 1 part 2 condition being para 6 statutory and government purposes with the underlying law being the same as for 6(1)(e)].

There is no criminal offence data being processed.

5. DISCLOSURES OF DATA

- Will you be transferring/ sharing/giving this data to a data processor or a sub-processor? **Yes, Hampton Knight**
- Tick here to agree that you will be entering into a data processing agreement with them **[N] details will be contained in the contract**
- Will you be sharing data with any other third party? **No**
- List the third parties that you propose to share with: **N/A**
- Tick here to agree that you will be entering into a data sharing agreement with the third parties **[N/A will be covered by contract]**

6. TRANSFERS OF DATA OUTSIDE OF THE UK

Will any personal data be processed outside of the UK? yes, oracle as discussed above

If your answer is yes, you must consult the DPO straight away, and see the guidance here:
https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/

If there WILL be a transfer out of UK enter comments of the data protection advisor: Oracle servers are held in the Netherlands And following the UK being granted adequacy by EDPB this is acceptable.

7. DATA SUBJECT RIGHTS AND COMPLIANCE WITH CORPORATE POLICIES

Information in Camden contains the Council's policies and procedures on data protection compliance, including how to respond to requests from people to enforce their rights under data protection law.

- You must comply with the requirements in Information in Camden. Tick here to agree that you will be complying with IIC on Data Subject Rights **[Y]** If there is a reason why you cannot do this, please explain why here:

8. CONSULTATION WITH INTERESTED PARTIES

Is one of the outcomes of your project going to make a change which will have a direct effect on data subjects?, For example: introducing CCTV into a library? If so, contact the Information and Records Management Team for advice at dpa@camden.gov.uk about whether you need to consult with stakeholders.

Record the comments of the data protection adviser here: Unions have been consulted and issues raised resolved.

9. RISK ASSESSMENT AND MITIGATION

Risk is a combination of **impact**- how bad the effect of the risk would be- and **probability** – the likelihood of the risk happening. Risk is assessed from the perspective of the data subject (as opposed to risk to the Council) and what the impact could be on them as a result of the proposed data processing. For each of the risks you identify:

1. think about how likely they are to occur and categorise them according to **Table 1 in the appendix (e.g., rare, unlikely etc)**.

2. Then consider the impact each risk will have and categorise them according to **Table 2 in the appendix (e.g., minor, moderate etc)**.

3. Then look at **Table 3** and see the risk level. Where the level says mitigations are needed, think about what these will be and how they will reduce the risk level down.

4. Enter the details in the grid below

Identify and Assess Risks			
Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	**Likelihood of harm**	**Severity of harm**	**Overall risk**
Inherent privacy intrusion -the data being processed relates to individual's possible alcohol or drug dependency and therefore considered very personal and sensitive data. Council may be seen as interfering with an individual's private life. Individuals may also have concerns about results of their tests being more widely shared	Likely	Major	High
Loss of data in transfer between Hampton Knight and council; Personal data could be obtained by third parties and misused. Compliance risk; Appropriate technical and organisational measures shall be taken. Corporate risk; Reputational risk. Loss of trust. Legal implications.	Rare	Moderate	Low risk
Misuse of data; The Personal data could be used by the Processor in a manner incompatible with the purposes for which is collected Compliance risk; Appropriate technical and organisational measures shall be taken. Corporate risk; Reputational risk. Loss of trust. Legal implications.	Rare	Moderate	Low risk
Misuse of data; The Personal data could be used by the Council in a manner incompatible with the purposes for which is collected Compliance risk; Appropriate technical and organisational measures shall be taken.	Possible	Moderate	Medium High

Corporate risk; Reputational risk. Loss of trust. Legal implications			
Theft of data; Personal data could be stolen and misused by a malicious third party. Compliance risk; Appropriate technical and organisational measures shall be taken. Corporate risk; Reputational risk. Loss of trust. Legal implications.	Rare	Moderate	Low risk
Disposal of data; If personal data is not disposed of in an appropriate manner, it may be possible for third parties to obtain the data. Compliance risk; Personal data shall not be kept for longer than necessary. Appropriate technical and organisational measures shall be taken. Corporate risk; Reputational risk. Loss of trust. Legal implications.	Rare	Moderate	Low risk
Data Retention: Risks that Processor will retain data beyond a defined period	Rare	Moderate	Low risk

Identify Measures to reduce risk				
Identify likely additional measures to reduce or eliminate risks identified as medium or high risk				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved by IAO?
Inherent privacy intrusion	Only roles in scope will be tested. Data will not made available to people who do not have a need to know. Data will be used for the defined purposes only and any use of individual data to facilitate activities outside the system e.g. support for dependency and/or occupational health referrals will be done in accordance with usual process for ensuring this information is managed securely. Clear communications to staff on what data will be used for and why will be undertaken. Managers and HR staff that have access to information will be reminded of the importance of ensuring the data is managed securely at all times in line with corporate standards and never stored on an unsecure shared drive/area.	Reduced	Unlikely and major =8 medium high risk but very bottom of that category	YES

Misuse of data by the council	Data will not be made widely available, just the Health and safety lead, the relevant manager and HR, and senior managers as necessary. used for defined purpose only – disciplinary and welfare support only, not shared with police All people handling data are subject to council's policies and procedures re HR and data protection All data stored on secured systems with role based access control	Reduced	6= moderate risk	YES

10. OVERALL RISK RATING FOR THE PROJECT AS A WHOLE ONCE THE MITIGATING MEASURES HAVE BEEN PUT IN PLACE:

LOW	**MODERATE**	**MEDIUM/ HIGH**	**HIGH**

Medium high risk- but considered acceptable on a balance of privacy against heath and safety risk to the individuals, wider public and colleagues

ANNEX A: DATA FLOW MAPS

ANNEX B Risk Assessment Tables

Table 1 Likelihood of Risk Occurring

Rare	One-off failure
Unlikely	Possible that it may reoccur but not likely
Possible	Might happen or reoccur on a semi-regular basis (no more than once a quarter)
Likely	Will reoccur on a regular basis, pointing to some failure in controls
Almost Certain	Wilful act, systemic failure in controls

Table 2 Impact of Risk if it occurs

Negligible	No personal data involved, or risk won't have any impact.
Minor	• Short-term, minimal embarrassment to an individual • Would involve small amounts of sensitive personal data about an individual • Minimal disruption or inconvenience in service delivery to an individual (e.g. an individual has to re-submit an address or re-register for a service)
Moderate	*More than a minimal amount of sensitive personal data is involved at this level* • Short-term distress or significant embarrassment to an individual or group of individuals (e.g. a family) • The potential of a financial loss for individuals concerned • Minimal disruption to a group of individuals or significant disruption in service delivery or distress to an individual (e.g. availability to a set of personal information is lost, requiring resubmission of identity evidence before services

Major	Significant amount of HR, or resident personal, and / or sensitive data released outside the organisation leading to significant actual or potential detriment (including emotional distress as well as both physical and financial damage) and / or safeguarding concerns
Catastrophic	Catastrophic amount of HR or service user personal and or sensitive data released outside the organisation leading to proven detriment and / or high-risk safeguarding concerns. Data subjects encounter significant or irreversible consequences which they may not overcome (e.g. an illegitimate access to data leading to a threat on the life of the data subjects, layoff, a financial jeopardy)

Risk Assessment: Table 3

	Score:	PROBABILITY				
		Rare	Unlikely	Possible	Likely	Almost Certain
IMPACT	Catastrophic	5	10	15	20	25
	Major	4	8	12	16	20
	Moderate	3	6	9	12	15
	Minor	2	4	6	8	10
	Negligible	1	2	3	4	5

Level of risk	
1-3 Low Risk	Acceptable risk No further action or additional controls required Risk at this level should be monitored and reassessed at appropriate intervals
4-6 Moderate Risk	A risk at this level may be acceptable, if so no further action or additional controls required If not acceptable, existing controls should be monitored or adjusted
8-12 Medium / High Risk	Not normally acceptable Efforts should be made to reduce the risk, provided this is not disproportionate Determine the need for improved control measures
15-25 High Risk	Unacceptable Immediate action must be taken to manage the risk A number of control measures may be required

Annex C:
Any DPO Advice or comments not included above

Taken to CIGG December 2021 and approved by CIGG as proportionate intrusion given limited number of roles all in safety critical areas, provisions in place to limit intrusion and safeguard data. Risk considered acceptable.
Updated April 2024 by Health and Safety Manager and Data Protection Manager and re-clearance not required.

APPENDIX - list of job titles in scope for testing

Camden Accessible Transport (CATS)

Apprentice Workshop Fitter
Bus Service Coordinator
Customer Service Planner
Engineering Manager
Fleet Escort
Fleet Management Support Officer
Fleet Services Manager
Leading Fitter
Logistics Coordinator
Logistics Manager
Non Vocational Driver
Operations Manager
Passenger Assistant
Passenger Services Assistant
PCV Driver
Vocational Driver
Workshop Fitter