

Data Protection Impact Assessment – Guidance and Points to Note

What is a Data Protection Impact Assessment?

A DPIA is a privacy impact assessment the objective of which is to identify and analyse how data privacy might be affected by certain actions or activities.

What does the law say?

From 25th May 2018, the General Data Protection Regulations are in force and part of the new regulations requires employers to undertake a Data Protection Impact Assessment before the process begins for new processes where the processing of personal data is likely to result in a high risk to the rights and freedoms of employees.

Will I need to do this?

As mentioned above, employers are required to undertake a Data Protection Impact Assessment where the processing of personal data is likely to result in a high risk to the rights and freedoms of employees. So, what does that mean?

In practice, most of the HR functions of a small business are unlikely to carry a level of risk high enough to warrant a DPIA. High risk for employment is likely to apply when:

- Automated processing such as profiling is used; or
- Processing on a large scale special categories of data or of personal data relating to criminal convictions and offences; or
- Large scale, systematic monitoring of public areas (capturing CCTV)

As such, it is possible that a training business may need to carry out a DPIA if, say, an automated process was being introduced for assessing an attendance bonus, with the eligibility being based on the use of an automatic system for clocking in and out.

Even if a DPIA is not needed, you still need to show that you have assessed the risk to the rights and freedoms of employees of any new data processing and the screening and assessment part of the DPIA may be of use for that.

Who does it cover?

It covers employees, former employees, workers (contractors, agency workers, consultants, volunteers, partners and directors)

The template document has been prepared to help you comply with the new data protection regulations in place from 25th May 2018.

You must customise the text in the template document to ensure that all the information matches what actually happens in your own organisation – any audit you have carried out in order to prepare for GDPR will help you do that.

Detailed information is available on the ICO website (www.ico.org.uk).