

Office of the Police & Crime Commissioner for West Yorkshire

DPIA Template

Whenever the OPCC processes personal data it creates risks to the individuals from that processing. Data Protection Impact Assessments are a useful tool assess record and mitigate the risks that our processing causes.

Data Protection Impact Assessments are mandatory in some circumstances and the OPCC has developed a screening tool to identify those circumstances. Please complete the screening tool found [here](#) **Insert link** and read the Data Protection Impact Assessment Policy [found here](#) before completing the rest of this form.

A Data Protection Impact Assessment should be completed at planning stages of a project, activity, procurement, commissioning activity, operation or programme involving the use of personal data, or where you are making a significant change to an existing process. The outcomes should be integrated back into the OPCC Information Asset Register and Record of Processing Activities and your project plan and documentation.

You will need to include with the assessment a copy of or link to the relevant Privacy Notice, which covers this processing activity plus any data capture, or consent forms.

When completing your assessment you will need to show how the processing/ using the personal data complies with the six Data Protection Principles which state that Personal Data must be:

- **Processed fairly, lawfully and in a transparent manner.**
- **Collected for specified, explicit and legitimate purposes and not further processed**
- **Adequate, relevant and limited to what is necessary**
- **Accurate and kept up to date**
- **Kept for no longer than is necessary**
- **Kept in a manner which ensures appropriate security**

In addition, you will need to specify your lawful basis for the processing from the following:

- **Consent**
- **Contract**
- **Legal obligation**
- **Vital Interest**
- **Public task**
- **Legitimate interest**

There are further lawful basis required for the processing of special category and law enforcement data. Please see Appendix 1. If you need any help or assistance in completing this form, please contact Melissa Ashdown-Hoff the Information Governance Officer at the OPCC.

Step 1: Identify the need for a DPIA

Please identify which of statements A-L best describe the need for a DPIA (please delete statement which are not applicable) and explain broadly what your project aims to achieve and what type of personal data processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal or Police and Crime Plan.

This project involves:

Use **profiling on special category or law enforcement data** to decide on access to services – **NO there is no automation here so not profiling**

Invisible processing where personal data is collected from a source other than the individuals without providing them with a privacy notice. – To a minimal extent – with the relevant DPA exemption applied.

Tracking - processing which involves tracking an individual's location or behavior – yes tracking in the broadest possible sense.

Detail Broad Project Aims: This is not a project but a decision which involved extending the communication protocol in line with the Unreasonable Behavior and Persistent Complainants Policy. The individual concerned has persisted in contacting both the OPCA and West Yorkshire Police by telephone despite being asked to restrict contact to written communications only. Telephone contact in the past has been abusive and frequent.

This DPIA is an assessment of a current Processing activity, which has changed scope / context, or a Pre GDPR Processing activity.

No

This DPIA is an assessment of intended processing activity

Yes

The relevant Privacy Notice, consent/ data capture forms or any other documentation are attached

Yes

\\PRD-HQ-SHARE1\wypa\$\Complaints\Putting things right\Public facing documents

<https://www.westyorkshire-pcc.gov.uk/privacy/complainants-and-enquirers>

Step 2: Describe the processing

<p>Describe the nature of the processing from start to finish:</p> <p><i>Additional information has been sought from West Yorkshire Police regarding the frequency of contact the data subject has had with them [REDACTED]. This information is processed to enable the OPCC to make an informed decision regarding the extension of restricting the data subjects communications with the OPCC to written communications only. Data will be stored in a secure area of the G Drive and will consist of call recordings and records of contact. Information is retained in line with the Data Retention Policy and will be deleted after 6 years.</i></p>
<p>Describe the purposes of the processing:</p> <p><i>The purpose of processing contact information sourced from WYP is to protect staff welfare. The calls from this individual have in the past been abusive and frequent and caused staff within the OPCC stress. A continuation of the communication policy is a reasonable step in order to protect staff from abuse, while ensuring that the data subject can still access services of the OPCC where necessary and reasonable and raise any new complaints not dealt with already in writing.</i></p>
<p>Describe the scope of the processing:</p> <p><i>It is important to gather a full picture of the contact with the data subject and share this with West Yorkshire Police. The OPCC privacy notice for complainants explains that information will be shared with West Yorkshire Police, however the sharing of information between the OPCC and WYP may still be unexpected. The data shared routinely is minimal and limited to their and our contact with the data subject.</i></p> <p><i>It is also important to maintain records of contact from the individual to inform decision making going forward and ensure that the measures are reasonable and proportionate, and any appeal can be based on evidence. Should the Data subject comply with the communications protocol then the restrictions will be lifted.</i></p> <p><i>The nature of contact is such [REDACTED]</i></p>
<p>Describe the context of the processing:</p> <p><i>Individuals contacting the casework team at the OPCC are usually dissatisfied with the service they have received from West Yorkshire Police in some way and are seeking the intervention of the commissioner. The casework team deal with 80-90 cases per month, invoking the Unreasonable Behavior and Persistent Complainants Policy is done as a last</i></p>

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resort with a tiny fraction of the complainants who contact the OPCC approximately 1 or 2 a year.

Step 3: Consultation process

Consider how to consult with relevant stakeholders:

Help Text - You should seek the views of individuals (or their representatives) unless there is a good reason not to.

Consultation with the individual involved is not appropriate in this case.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular:

Help Text Please refer to the Data Protection Principles and lawful basis on P1. Here you will need to show how your processing complies with the principles and is lawful. - You will need to answer the following:

Casework data is processed under the public task lawful basis and individuals are informed that calls to the OPCC are recorded. Comprehensive privacy information is also made available online to data subjects informing them that information will be shared with WYP where necessary. Under the Health and Safety at Work Act the OPCC has a duty to ensure the Health and Safety of employees and the Unreasonable Behavior and Persistent Complainants Policy has been established to ensure this. The application of this policy is fair and transparent and the data subject will be informed about the extension of the communication policy for a further 6 months. The data subject has a right of appeal which they will be informed of.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals.	Likelihood of harm	Severity of harm	Overall risk
<ul style="list-style-type: none"><i>Inability of individuals to exercise their rights and freedoms (primarily limited to privacy rights);</i>	possible	Minimal,	medium

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
<i>Inability of individuals to exercise their rights and freedoms (including but not limited to privacy rights);</i>	<i>In the letter advising data subject about the extension of communication policy ensure that reference is made to data subjects rights and how and where to request information.</i>	reduced	Low	Yes

Step 7: Sign off and record outcomes, for completion by IG staff.

Item	Name/date	Notes
Measures approved by:	Melissa Ashdown-Hoff 18/12/2019	Integrate actions back into DPIA Log with date and responsibility for completion
Residual risks approved by:	Melissa Ashdown-Hoff	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Julie Reid 19/12/2019	DPO should advise on compliance, step 6 measures and whether processing can proceed
<p>Summary of DPO advice:</p> <p>Privacy rights are unaffected and the data subject will be advised of this. Rights to access the OPCC remain in place (contact must be in writing). Information sharing with West Yorkshire Police is identified in the privacy notice along with the lawful basis for processing. Processing may proceed.</p>		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:	Consultation not appropriate in this case	If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	Melissa Ashdown_hoff	The DPO should also review ongoing compliance with DPIA