

Dunbartonshire and Argyll & Bute Valuation Joint Board

Prisoner Information Data Protection Impact Assessment

This DPIA is prepared in accordance with the ICO's DPIA template and follows the process set out in the DPIA's guidance and DABVJB's DPIA Procedures.

Controller details

Name of controller	David Thomson
Subject/title of DPO	ERO for Dunbartonshire and Argyll & Bute
Name of controller contact /DPO (delete as appropriate)	G Oag

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

The Electoral Registration Officer (ERO) is required by law to collate and maintain, for their area of responsibility:-

1. a register a register of parliamentary electors
2. a register of local government electors
3. These registers contain the details of all those who are registered to vote and combined form the Electoral Register.

Section 3 of the Representation of the People Act 1983 sets out that any convicted person is "legally incapable" of voting at any election while detained in pursuance of their sentence or while unlawfully at large when required to be so detained. This ban applied irrespective of the length of the sentence to UK, Local Government and Scottish Parliament elections.

The Scottish Elections (Franchise and Representation) Act 2020 allows individuals in custody who are serving sentences of 12 months or less to vote in Local Government and Scottish Parliament elections. These are in addition to individuals in custody on remand who have always been entitled to register and vote.

Thus whilst no category of convicted prisoner can register in the register of Parliamentary electors, those with a sentence of 12 month or less can apply to be included in a register of local government elector.

Regulation 23 of the Representation of the People (Scotland) Regulations 2001 (RPR 2001) authorises an ERO to require any person to provide information required for the purposes of the duty to maintain the register.

The data obtained from Scottish Prison Service (SPS), through the above powers, will be used to maintain the register(s) in accordance with the ERO's general duty. Specifically the data will be used to:-

- (a) Check the existing registration status of individuals,
- (b) Invite eligible prisoners to register in the local government register of electors
- (c) Initiate formal 'reviews' of prisoners' inclusion in the UK parliamentary register.
- (d) Maintain absent voter records for registered prisoners
- (e) Review each prisoner's eligibility to be registered at the end of any sentence.

This Data Protection Impact Assessment (DPIA) describes how data protection and privacy issues relating to processing Prisoner Data have been identified, addressed and mitigated. The benefits of this are:

- The identification and management of risk
- Avoidance of unnecessary costs
- Avoiding loss of trust and reputation
- Meeting and exceeding legal requirements

This DPIA may be updated or amended to reflect any further changes regarding Electoral Registration.

Guidance from the ICO and the Article 29 Working Party states that matching or combining data sets 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 could be grounds where a DPIA should be undertaken.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Data will be received securely from SPS in accordance with a Data Sharing Agreement. The data will be held in a restricted access folder and be used to;-

- (a) Check the existing registration status of individuals,
- (b) Invite eligible prisoners to register in the local government register of electors (i.e. issue ITRs)
- (c) Initiate formal 'reviews' of prisoners' inclusion in the UK parliamentary register.
- (d) Maintain absent voter records for registered prisoners
- (e) Review each prisoner's eligibility to be registered at the end of any sentence.

Applications made subsequent to the issue of ITRs and the outcomes of Reviews will be used to add/delete electors to/from the relevant electoral register.

The data will not be shared with any other party.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

The data received from SPS will contain the following information as it relates to individuals in custody who are on remand or are serving sentences of 12 months or less:

- Names (First, Last, Middle)
- Date of Birth
- Address
- Town
- Postcode
- Prison Establishment
- Prison Number
- National Insurance Number
- Legal Status (Remand or Convicted)
- Earliest Date of Liberation (EDL)
- Local Authority
- Date Departed (for liberated prisoners only)

Only the minimum necessary Personal Data consistent with the purposes set out in this Agreement, and specified in the list above, will be routinely shared

The data being transferred will include sensitive personal data and, by its very nature, constitutes criminal offence data.

The data will only be retained for the purposes of initiating maintenance activity which, in practice, means until each new refresh is provided by SPS.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

The individuals in the data matching process will be electors, potential electors or former electors who are individuals in custody who are on remand or are serving sentences of 12 months or less.

The data subjects will have no control over the use of the data and it is unlikely that they would expect this processing to proceed but the process is part of a statutory requirement on the ERO and the provision of this data is the most effective way of maintaining accurate registers. Further the process should ensure that the electors rights to be registered, where appropriate, are maintained

The data will be transferred using established secure methods under an agreed DSA.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

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The data processing should ensure that the electors rights to be registered, where appropriate, are maintained

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

The appropriateness of the data use is covered by the relevant legislation and, as the information is required to assist the ERO maintain a complete and accurate register, there is no need to seek the views of the individuals involved.

The data provided by SPS has been arrived at having considered the minimum requirement that the ERO has to comply with the duty.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The data is used to allow the ERO to carry out maintenance duties in accordance with statute.

The Electoral Registration Officer (ERO) is required by law to collate and maintain, for their area of responsibility:-

1. a register of parliamentary electors
2. a register of local government electors

Section 3 of the Representation of the People Act 1983 sets out that any convicted person is "legally incapable" of voting at any election while detained in pursuance of their sentence or while unlawfully at large when required to be so detained. This ban applied irrespective of the length of the sentence and applies to UK, Local Government and Scottish Parliament elections.

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Thus whilst no category of convicted prisoner can register in the register of Parliamentary electors, those with a sentence of 12 month or less can apply to be included in a register of local government elector.

It is therefore essential for the maintenance of complete and accurate registers that the ERO is aware of the status of any prisoner.

Specific power to request the information provided by SPS is provided for in Regulation 23 of the Representation of the People (Scotland) Regulations 2001 (RPR 2001).

Only such data as will be required for the initiating maintenance activity will be received.

No decisions on individuals will be made directly as a result of the receipt of the data though the information will be used to trigger further activity which may result in an individual's addition to, or deletion from, an electoral register.

Step 5: 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
<p>Privacy Notice not drafted correctly and not transparent enough. Information shared without individual's knowledge which may result in unintended harm, publicity or unwanted 3rd party contact.</p> <p>More information than is required is provided by SPS</p> <p>Inaccurate or out of date information retained</p> <p>Information about an individual is kept longer than necessary due to failure to apply retention and policy.</p> <p>Unauthorised access to information due to inadequate control measures and insecure environment.</p>	<p>Remote, possible or probable</p>	<p>Minimal, significant or severe</p>	<p>Low, medium or high</p>
	<p>Remote</p>	<p>Minimal</p>	<p>Low</p>
	<p>Remote</p>	<p>Minimal</p>	<p>Low</p>
	<p>Remote</p>	<p>Minimal</p>	<p>Low</p>
	<p>Possible</p>	<p>Minimal</p>	<p>Low</p>
	<p>Remote</p>	<p>Significant</p>	<p>Medium</p>

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
Privacy Notice not drafted correctly and not transparent enough. Information shared without individual's knowledge which may result in unintended harm, publicity or unwanted 3rd party contact.	<p>ERO Privacy statement is specific and includes the legal basis for collecting data. It also refers to the use of criminal offence information and highlights what will happen to an individual's data and who it may be shared with.</p> <p>The privacy statement is available online and in paper form.</p> <p>DPIA published</p>	<p>Eliminated reduced accepted</p> <p>Reduced</p>	<p>Low medium high</p> <p>Low</p>	<p>Yes/no</p> <p>Yes</p>
More information than is required is provided by SPS	Data requirements are well understood and the supply is managed through a DSA which defines the data to be provided.	Eliminated	Low	Yes
Inaccurate or out of date information retained	SPS data is a trusted source. Data will be retained only for as long as is necessary to initiate maintenance activity. Fresh date to be supplied as per the DSA	Reduced	Low	Yes

Information about an individual is kept longer than necessary due to failure to apply retention and policy	Data will be retained only until next refresh provided by SPS SPS will be deleted afterwards.	Reduced	Low	Yes
Unauthorised access to information due to inadequate control measures and insecure environment.	Data will be supplied to a named recipient by agreed secure transfer as contained in the DSA. Access to data provided is limited to a small number of staff. Existing physical security at all locations is appropriate and the new process adds no significant additional risk. Policy on Special category data is in place	Reduced	Low	Yes

Step 7: Sign off and record outcomes

Item	Name/position/date	Notes
Measures approved by:	D C Thomson	Process is justified and proportionate
Residual risks approved by:	D C Thomson	Acceptable – no additional new risk to individuals
DPO advice provided:	G Oag – 18/12/2020	Approved

Summary of DPO advice: None required		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	D C Thomson	The DPO should also review ongoing compliance with DPIA