

Data Protection Impact Assessment (DPIA)

Project Name:	Octavo Services Insourcing
Project Manager or Sponsor (PM):	Julie Ralphs
Name of person completing the DPIA if different to (PM):	Julie Ralphs
Service Team and Department:	Education
Relevant Director and Executive Director:	Shelley Davies / Robert Henderson
Information Management Champion(s) for service area:	Julie Ralphs
Date DPIA received by the IMT:	
Date approved by DPO:	2 January 2020
Date approved by IMT :	

1 Project Scope

You should describe here the nature, scope, context and purpose of the processed processing.

(Include the projects aims, potential impact, all individuals involved in the project and those that may be affected by it. The stakeholders should be as broad as possible so that the list can be edited down after consultation. You should summarise why you identified the need for a DPIA).

Background

In-sourcing all Octavo delivered services (both commissioned and commercial) and dissolving the Octavo Partnership with a proposed effective date of 1st April 2020. With a focus on:

- Minimising the impact to schools by retaining as much as possible of what at Octavo works well (subject to legal advice on use of name, assets, website etc.) and maintaining a continuity of service;
- Subsuming Octavo staff and functions into the Education Directorate of the LA;
- Amalgamation of LA and Octavo systems and processes, reducing duplication wherever possible and appropriate.

Services (and related staff) being brought in house to the LA are:

- Educational psychology (commissioned and commercial)
- School improvement (commissioned and commercial)
- HR for schools (commercial)
- IT for schools (commercial)

- Finance for schools (commercial)
- School Governance services (commissioned and commercial)

Project management

A high level project plan has been developed covering the whole project of in-sourcing the service, functions and staff. This includes a specific section on Information Management/GDPR as follows:

- Personal and/or sensitive information held by Octavo identified
- Legal advice obtained on transfer, storage and/or destruction of sensitive information
- Terms of Privacy Statements/Information Sharing Agreements reviewed and amended
- DPIA produced and approved

Information held

Identification of this forms part of the Project Plan. Octavo currently utilises a combination of LA (educational psychology services) and Octavo (all other services) systems. Sensitive information held is anticipated to relate to:

- Octavo staff, including HR records
- Pupils (educational psychology services for children with Special Educational Needs (SEN))
- Schools staff, including governors

2 Data Description

Answer the questions below so that there is a clear understanding about how the information will be used, who will use it etc. Remember that it's personal information (i.e. information about individuals) that you need to be concerned with. If you do not have answers to all the questions at this time, simply record what you do know.

Whose information is being used?

- *Are there additional concerns that need to be considered due to individuals sensitive/ complex circumstances? i.e. vulnerable person*

The 3 categories of identified data – Octavo staff, schools staff and pupils (SEN) – will contain sensitive information as it includes personal information:

- related to pupils, specifically children who have special educational needs, including needs and health assessments;
- related to the full range of staff HR records.

This information will include Special Category Data:

	<ul style="list-style-type: none"> • Race and ethnic origin; • Religious or philosophical beliefs; • Health data; and • Data related to sexual preferences, sex life, and/or sexual orientation.
<p>What information is being used?</p> <ul style="list-style-type: none"> - Consider the nature of this information E.g. Child's social care file 	<p>SEN Pupils information is predominantly being used to assess pupils needs, and complete/monitor Education, Health & Care Plans (EHCPs) and related activities, such as SEND tribunals.</p> <p>Octavo staff information cover the full employment records of staff, including: pay and conditions, DBS, absence, contact details, competency and conduct.</p> <p>Schools staff information cover specific services that schools purchase from Octavo. This includes governor services, HR, teacher recruitment and IT. Whilst individual schools hold the staff employment records, Octavo hold specific sensitive information in relation to the service they are providing such as Governor recruitment information, new teacher probation monitoring reports, HR disciplinary matters.</p>
<p>Does it include special category or criminal offence data?</p>	<p>Staff records will include DBS checks, which may contain details of criminal offences.</p> <p>Pupil records may also contain special category information. However, the existing arrangement is that relevant Octavo staff access, process and store pupil information on Council systems using Council hardware, so there will be no change to these arrangements.</p>
<p>Can an individual be identified easily from the information?</p>	<p>Yes. Both staff and pupil records will include identifiable information, including names, addresses, date of birth and contact details.</p>
<p>What is the potential impact on privacy of this information?</p>	<p>There is a risk that information about an individual is shared with people who do not have</p>

<ul style="list-style-type: none"> - <i>What are the risks/ impact to an individual if this information was lost, stolen or manipulated?</i> - <i>E.g. could it be sold?</i> 	<p>a legitimate need to know, leading to harm and distress to the individual, reputational damage and possible enforcement action against partner agencies as well as loss of confidence and trust.</p> <p>These risks will be mitigated by:</p> <ul style="list-style-type: none"> • Legal advice has been sought to establish information/GDPR considerations for the insourcing of Octavo. This advice will then be used to formulate a more detailed implementation plan. • Review of Octavo information processes and systems, including any required alignment to Council systems. • Ensuring the safe migration of information from Octavo to LA, where it is necessary and in accordance with GDPR/legal advice.
<p>Will this change the manner in which we handle, use or protect this information? <i>e.g. should it be encrypted?</i></p>	<p>The main project focus (and therefore risk management) is related to the identification of Octavo sensitive information which needs and can be transferred from Octavo to the LA and then the safe migration of this information to existing Council systems – Sharepoint, My Resource and Capita One/Synergy.</p> <p>Advice and support has been requested from colleagues in Digital to enable the secure migration of this data. This is included within the Project Plan and identified as a risk in the Project Risk Register.</p> <p>It is not intended or envisaged that any new LA systems or processes will need to be adopted for the storage, access or processing of this information.</p>

3 Consultation process

Consider how to consult with relevant stakeholders.

<p>When did you consult individuals?</p>	<p>Consultation with internal stakeholders during de-commissioning process and in-sourcing decision making took place from April-19 to Oct-19, and continues.</p> <p>The proposal to de-commission went to the Contracts and Commissioning Board (CCB) process, with sign off by directors of Legal, HR, Commissioning & Procurement, and appropriate Lead Members in April-19.</p> <p>Schools have been consulted on the insourcing via their membership of Croydon Head teachers Association (CHTA) and in their capacity of having Octavo Board Members leading up to the Members vote which took place in Oct-19. They have also been briefed at head teacher meetings.</p> <p>Octavo staff have been consulted via staff briefings, team and 1-2-1 meetings conducted in autumn-19. They also have representation on the Octavo Board. Formal consultation will continue during the TUPE process.</p> <p>The LA, CHTA and Octavo Staff, in their capacity as Members of Octavo Partnership, voted unanimously in favour of the proposal to insource Octavo services and dissolve the Company in Oct-19.</p>
<p>How did you consult individuals?</p>	<p>As above</p>
<p>If not explain why it is not appropriate.</p>	<p>N/a</p>
<p>Who else within the organisation have you consulted with?</p>	<p>Our internal Octavo Steering group includes representation from Education, Legal, HR, Finance and Commissioning. As we move into the overall project cycle, IT has now been invited to join this group effective 25th Nov-19.</p>

	A meeting was held with Janine Sheridan and Dave Briggs in Nov-19 regarding the in-sourcing project and potential IT implications
Do you need to speak with your processor to assist?	Yes, frequent liaison will be required between the LA and Octavo between now and the 1 st April 2020 to ensure compliance in relation to migration of information.
Do you plan to consult information security experts or any other experts?	<p>External legal was instructed on the 7/11/19 on a range of insourcing project matters, including information management/GDPR. A full report is to be provided.</p> <p>The above legal advice will inform if/what expert support is required.</p> <p>We are also recommending that Octavo seeks their own advice.</p>

4 Assessment of necessity and proportionality of data usage

What is your lawful basis for processing?	See our published Privacy Notices and Information Sharing Agreement (ISA) with schools (attached)
Is consent being relied upon to share the information? Has explicit consent been obtained? Are data subjects able to opt out from giving consent?	<p>In terms of pupils this is explained in Privacy Notice for Education and Youth Engagement Service and the attached ISA.</p> <p>In terms of staff this will be both Consent and in our capacity of employer.</p> <p>Therefore both Consent and processing in support of a 'Public task' (that is the processing is necessary for you to perform a task in the public interest or official functions, and the task or function has a clear basis in law) will take place.</p>
Does the processing actually achieve your purpose?	Yes
How will the information be collected? (Verbally, forms, intranet, interview, 3 rd party, anonymous)	<p>This DPIA relates specifically to the secure migration of permissible information from Octavo to the LA.</p> <p>Identification of information permitted to be transferred, any specific consent required and subsequent methodology for this migration will be identified and implemented as part of the project.</p>

Is there another way to achieve the same outcome?	No
How will the information be used? <i>e.g. to write a report</i>	The information will be used: <ul style="list-style-type: none"> - to assess and intervene with Education to achieve better outcomes for children and families; and - meet our obligations at an employer.
Do the individuals know and understand how their information will be used? If there are changes to their information does the privacy notice need to be amended?	Yes Covered with Privacy Notices, Information Sharing Agreements and HR employment policies (which will be part of TUPE process)
How will it be stored, kept up to date and disposed of when no longer required? <i>e.g. stored in locked cabinet/securely shredded</i>	Migrated information will be stored in existing council systems and retained in accordance with Council retention schemes. Octavo is responsible for ensuring safe destruction of any information which is not required to be kept. We have advised Octavo to seek their own legal advice on a range of matters, including information management. Legal advice has been requested in relation to liability for any data breaches which occur prior to dissolution, but disclosed after the company has dissolved.
How will you ensure data quality and data minimisation?	Covered with BAU processes
Who will have access to the information within LBC? - <i>Include approximate number of users</i>	Any pupil data will be held on Council systems (Capita One, Synergy, Liquid Logic and Sharepoint) with associated access requirements. Staff information will be held on HR systems with associated access requirements.
Are there new or significant changes to the way we manage, use, handle or collect this information? - <i>Include any identified concerns for the individuals, would these changes heighten risks involved</i>	No
Will individuals within an existing database be subject to new or changed handling? - <i>If yes amendments need to be made to the privacy notice and these individuals need to be informed.</i>	No

What are the internal arrangements for processing this information? <i>e.g. number of staff who will have access</i>	Business as usual Staff data – Via My Resources by relevant HR staff and line managers Pupil data – No change, currently by approved users on Capita One, moving to Synergy in April 2020
How will the information be updated? <i>e.g. monthly check</i>	Business as usual Staff data – as per My Resources arrangements Pupil data – no change as already on system
Does the project involve the exchange of information outside of the UK and are there set standards for how the information will be treated? How will you safeguard international transfers?	Data will be stored in the UK.
How will you prevent function creep?	Corporate data protection procedures and training are provided to all new users on use of My Resources and Capita One/Synergy

5 Assessment of the risks to the rights and freedoms of data subjects

You must describe the source of risk and the nature of potential impact upon individuals and identify any additional measures to mitigate those risks.

5a Security

Who will be responsible for the control for this information?	Data migration – Project Manager Once migrated, relevant Business Systems Teams will be responsible, typically: <ul style="list-style-type: none"> Employee Information – My Resources Team Pupil data – Business Systems Team (Education)
How will the access to this information be controlled?	Business as usual – existing Council systems For staff moving from Octavo to the LA, appropriate access rights and training to any information systems will be as per new starter procedures for both My Resources and Capita One/Synergy
Is the data correctly managed to reduce the risk of collateral intrusion to the data subject?	Business as usual – existing Council systems

	For staff moving from Octavo to the LA, appropriate access rights and training to any information systems will be as per new starter procedures for both My Resources and Capita One/Synergy
Are there adequate provisions in place to protect the information? If so what are they? <i>e.g. Process, security</i>	Business as usual – existing Council systems For staff moving from Octavo to the LA, appropriate access rights and training to any information systems will be as per new starter procedures for both My Resources and Capita One/Synergy

5b Sharing

Who is the information shared with, why are we sharing the information with this organisation?	Information is being shared by Octavo to the LA for the purposes of insourcing of Octavo services and functions to Croydon Council to ensure we have relevant information to enable service continuity.
What purpose does the information we are sharing have to the third party? - <i>Ensure that we only share relevant information and not excessively</i>	Information is being shared by Octavo to the LA for the purposes of insourcing of Octavo services and functions to Croydon Council to ensure we have relevant information to enable service continuity.
Who will have access to the information, externally? - <i>Include approximate number of users</i> - <i>Describe any sharing arrangements and what the level of access is. It may help to produce a diagram to show the data flows.</i>	Nobody
How will it be transmitted to third parties and when? How often?	One-off migration of information via secure methodology, to be determined by experts support from Digital Service.
Is there a data sharing agreement in place?	Included within contract for services between Octavo and Croydon Council. This contract was drawn up with legal.
At what stage will the information be transferred?	By 1 st April 2020

5c Identified Risks and assessment:

You should take into account the sensitivity of the information and potential harm that inappropriate disclosure or use of the information could cause to any individuals concerned. You should also consider the reputational loss to the Council and the potential for financial penalties being imposed by the ICO.

To assess the level of risk you must consider both the **likelihood** and the **severity** of any impact on individuals. A high risk could result from either a high probability of some harm or a lower possibility of serious harm.

The severity impact level and likelihood should be scored on a scale of 1 to 10 with 1 being low severity and 10 high. The two scores should be **added** together. The RAG status is derived from the following scale:

Score:

- 15 to 20 = Red (High)
- 8 to 14 = Amber (Medium)
- Below 8 = Green (Low)

To be completed by Project Sponsor

Risk Identified	Severity of Impact	Likelihood of harm	Overall RAG rating
Provider (Octavo) or Council is unable to meet timescales to enable secure information migration to take place by the 1 st April 2020 Mitigation: Availability of Octavo systems for a set, agreed period after 1 st April 2020	3	3	6
Information breach during migration by either/both parties	6	10	16

6 Identify measures put in place to reduce risk.

You must now identify additional measures you could take to reduce or eliminate any risk identified as medium or high risk in step 5.

To be completed by the Project Sponsor

Risk Identified	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure Approved
Information breach during migration by either/both parties	Legal instructed by LA to advise on information management implications of insourcing. LA to recommend Octavo takes relevant advice. Project Manager to agree with Digital Team/IT experts to agree and implement a plan for the secure migration of permissible information	Reduced	Low	Yes / No

Sign off and Record sheet

Item	Name/date	Notes
Measures approved by:		
Residual risks approved by:		
DPO advice provided: See DPO Comments below	Nicola Thoday Corporate Solicitor on behalf of Sandra Herbert, Data Protection Officer and Head of Corporate Law and Litigation 2 January 2020	In light of the information contained in (1) the whole of this DPIA, (2) especially p10-11, and (3) the intentions to continue to work on the Information Governance issues: I am happy for this project to proceed.
Consultation responses reviewed by:		
DPIA to be keep under review by:		

If you require further guidance to complete this DPIA please contact:

Information Management Team (IMT)

Ext: 47777

Email: information.management@croydon.gov.uk

Data Protection Officer

Email: DPO@croydon.gov.uk

DPO Comments

2 January 2020

The project is to dissolve the Octavo Partnership.

I was pleased to see that:

- (1) There is a high level project plan which includes a Information Governance/GDPR section. If you wish I am happy to consider/advise on this?
- (2) The Council is considering what information is 'permissible' or 'necessary' to transfer, thus not collecting excessive information.

- (3) There is a specific focus on handling special category information and on information security.

Other comments (in no particular order):

1. If it doesn't already, it would be useful if the project plan included a data flow section – the DPIA mentions that you have already identified the personal data involved, but we also need to consider what is necessary to transfer and how this is securely transferred and where it will be held.
2. The existing Contract needs to be checked to ensure it includes appropriate terms regarding the transfer to information and the deleting copies of information it may have.
3. Given that the Octavo Partnerships holds a vast amount of personal information (and possibly special category information). I suggest that the Council allocates a specific member of staff to be responsible for the Information Governance i.e - ensuring that all the Personal Information is handled appropriately during and after the dissolution. It will be a big project because of the number of entities in the Partnership and the volume and sensitivity of the information. However, it will mitigate risks that the ICO have previously fined on, relating to disposal and transfer of information.
4. I note that there are various TUPE issues - connected to this are various requirements regarding information that must be shared about, and given to individuals. If you have any queries about this, HR are well placed to assist, or you are welcome to contact me (or Richard Roberts my colleague- Employment Solicitor).