

Data Protection Impact Assessment (DPIA)

Project Name:	Purley Business Improvement District – Ballot Renewal
Project Manager or Sponsor (PM):	Carol Squires
Name of person completing the DPIA if different to (PM):	Diana Phiri-Witty
Service Team and Department:	Economic Development; Place
Relevant Director and Executive Director:	Stephen Tate Shifa Mustafa
Information Management Champion(s) for service area:	
Date DPIA received by the IMT:	
Date approved by DPO:	
Date approved by IMT :	

1 Project Scope

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)

The Purley BID is led by the Purley Business Association. They aim to drive economic growth in this key, ambitious and growing district centre. The Purely BID is elected every 5 years and they are up for renewal this year. A ballot will take place in November 2020.

The Purley BID are a separate entity to the council, they are a not for profit CIC with a board represented by Purley business owners, the council and councillors.

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.

<p>Whose information is being used?</p> <ul style="list-style-type: none"> - Are there additional concerns that need to be considered due to individuals sensitive/ complex circumstances? i.e. vulnerable person 	<p>Non-domestic rate payer Information for the businesses within the defined BID area, containing business name, business address, rateable value, Liable Party Primary contact address. Additional names of persons appointed as voter on behalf of the business.</p>
<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>Business name and business address and Liable Party Primary addresses are used for initial pre-ballot mailing to identify person to be appointed as voter. Appointed voter name and address used to send Notice of Ballot and Ballot Paper mailing. Updated lists of businesses and appointed voters shared with BID proposer. Rateable value of each business used as part of the Counting and weighting of votes. This information is therefore used over 5 years to collect the BID levy.</p>
<p>Does it include special category or criminal offence data?</p>	<p>No</p>
<p>Can an individual be identified easily from the information?</p>	<p>Yes – where Liable Party is an individual or an individual has been appointed as a voter for an address</p>
<p>What is the potential impact on privacy of this information?</p> <ul style="list-style-type: none"> - What are the risks/ impact to an individual if this information was lost, stolen or manipulated? - E.g. could it be sold? 	<p>Minimal</p>
<p>Will this change the manner in which we handle, use or protect this information? e.g. should it be encrypted?</p>	<p>Data will be stored by Croydon Council and will be encrypted using Egress when sent to the BID proposer – Purley BID.</p>

3 Consultation process

Consider how to consult with relevant stakeholders.

When did you consult individuals?	No council led consultation to be undertaken. All current BID members are already in direct contact with the Purley BID and have been informed by them of the forthcoming ballot. Businesses to be contacted initially by the council as administrator of the ballot to identify named people to receive the ballot and then the council prepare the list of persons entitled to vote and write to each person regarding arrangements for voting
How did you consult individuals?	Croydon council to contact businesses via their address to conduct the ballot
If not explain why it is not appropriate.	This is a ballot and if the BID are successful, a levy collection. Purley BID have undertaken a separate consultation exercise with their businesses as part of their renewal campaign. A BID have a legal obligation in the run up to a BID renewal which takes place every five years, to have undertaken engagement with their members to inform their proposals which they publish as a business plan. It is the duty of the local authority to conduct the ballot and follow due process to demonstrate a fair and transparent process
Who else within the organisation have you consulted with?	NA
Do you need to speak with your processor to assist?	NA
Do you plan to consult information security experts or any other experts?	No

4 Assessment of necessity and proportionality of data usage

What is your lawful basis for processing?	Article 6 of GDPR 'Legitimate Interests' To identify Non-domestic rate payer Information for the businesses within the defined BID so they can vote for the Business Improvement District.
Is consent being relied upon to share the information? Has explicit consent been obtained? Are data subjects able to opt out from giving consent?	It is Purley BID's legal duty to communicate with all the businesses in the BID area giving them an opportunity to shape the business plan via consultation, a notice of ballot and the ballot paper. The ballot and ballot paper are distributed by the council and the council collect the BID levy on behalf of the BID. The BID regulations 2004 state that on receiving a request (made in accordance with paragraph (2)) from any person who is developing BID proposals, the relevant billing authority shall provide them with the name of each non-domestic ratepayer and the address and rateable value of each hereditament which is occupied, or (if unoccupied) owned, by him in the geographical area of the BID proposals to be developed. They state that on receipt of an instruction under regulation 5, the ballot holder shall make arrangements for conducting a BID ballot (including a renewal ballot as in this case), in accordance with Schedule 2.
Does the processing actually achieve your purpose?	Yes
How will the information be collected? Verbally, forms, intranet, interview, 3 rd party, anonymous)	Forms
Is there another way to achieve the same outcome?	No
How will the information be used? <i>e.g. to write a report</i>	Administering the Purley Business Improvement District renewal Ballot
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?	Privacy Notice to be included on communications to businesses.
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>	Updated database of businesses and voters, and a count spreadsheet incorporating this information will be

	saved in the Electoral Services folders on network – access to which is restricted to Electoral Services staff
How will you ensure data quality and data minimisation?	Data collected and used to update an existing data set. Future use of the data will be restricted to updating names and addresses and business rates value therefore a minimal requirement.
Who will have access to the information within LBC? - <i>Include approximate number of users</i>	Electoral Services, Mayor's Office (only if staff assist with delivery of ballot), Economic Development.
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>	5 Members of the Electoral Services team plus temporary staff brought in to assist at busy periods.
How will the information be updated? <i>e.g. monthly check</i>	Through contacts with businesses and only up to the ballot period(Nov 2020). Following that the council will collect BID Levy annually or as agreed with Purley BID where new business rates information may be updated.
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?	No
How will you prevent function creep?	The information collected is for two specific functions- a ballot in November 2020 and levy collection over the 5 years the BID is in place.

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?	Head of Electoral Services
How will the access to this information be controlled?	Access to information limited to those individuals administering the ballot Economic Development, the business rates team and the BID Proposer – Purley BID.
Is the data correctly managed to reduce the risk of collateral intrusion to the data subject?	Yes
Are there adequate provisions in place to protect the information? If so what are they? <i>e.g. Process, security</i>	Data will be stored securely by the Council in the Electoral Services Network folder and in the Business Rates folder.

5b Sharing

Who is the information shared with, why are we sharing the information with this organisation?	The information will be shared with the BID proposer Purley BID. The Purley BID is elected every 5 years and is governed by a board made up of local businesses. The ballot process being described in this assessment is for their purpose and function and therefore they will have access to the information about the businesses they represent.
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>	For canvassing for the BID Ballot. Transparency of the BID Ballot process.
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>	BID Proposer – Purley BID. Their privacy policy attached here . Their data is secured by password access and not shared externally and reviewed annually. They are also registered with the ICO. In summary, Purley BID use the following secure applications to hold data: <ul style="list-style-type: none"> • BID Base • Microsoft Sharepoint • HubSpot
How will it be transmitted to third parties and when? How often?	Emailed using Egress. Regular updates as and when information is updated. To be agreed with BID proposer
Is there a data sharing agreement in place?	No

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At what stage will the information be transferred?	Prior to the Notice of Ballot and updated as information updated. Schedule to be agreed with the BID proposer
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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
Ballot data infiltrated by an unconsented third party	8	4	12
Name and email address data infiltrated by third party	8	2	10

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
Ballot data infiltrated by an unconsented third party	The ballot information will be accessed by Council staff and stored on council networks. Data will be shared with only one other organisation thus limiting infiltration opportunities	Eliminated / reduced / accepted Reduced	Low / medium / high Low	Yes / No Yes
Name and email address data infiltrated by third party	See above. Data stored by Croydon Council will be in a secure Sharepoint files with access restricted to those directly linked to the ballot process	Reduced	Low	Yes

<p>information is going to be used by the Council. The DPIA mentions that there are systems in place to ensure information is kept up to date.</p> <p>I also note that the content of the consultation responses is being handled by Purley BID, a separate organisation who is registered with the ICO.</p> <p>The lawful basis for processing the personal information is Article 6(1)(c) – <i>that the processing is necessary for compliance with a legal obligation to which the controller is subject</i>. In this case the Council are fulfilling requirements as set out in the BID Regulations 2004.</p> <p>The Council plan to re-use information already held by the Council to conduct a Ballot and if successful collect the BID Levy. This is in accordance with fulfilling its duties under the BID Regulations 2004.</p> <p>If you would like any assistance drafting the Privacy Notice please contact me.</p>		
<p>Consultation responses reviewed by:</p>		<p>If your decision departs from individuals views you must explain your reasons.</p>
<p>DPIA to be keep under review by:</p>		

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

Information Management Team (IMT)

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Data Protection Officer

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