



Privacy Impact Assessment

Secure File Transfer of health information to Derbyshire Special Schools

Privacy Impact Assessment – Screening Questions

Question	Y/N	Additional Comments (please give reasons for either a 'yes' or' no 'answer here
Is there a requirement under GDPR to carry out a PIA? NB if there is a legal requirement to carry out a PIA there is no requirement to complete the remaining questions.	N	
Will the project involve the collection of new information about individuals?	N	
Will the project compel individuals to provide information about themselves?	N	
Will information about individuals be disclosed to third party organisations or people?	N	
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	N	
Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	N	
Will the project result in you making decisions or taking action against	N	

individuals in ways that can have a significant impact on them?		
Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union information, biometric data, health or information concerning an individual's sex life or sexual orientation or other information that people would consider to be private.	Y	
Will the project require you to contact individuals in ways that they may find intrusive?	N	
Will the data be held in relation to children or vulnerable adults?	Y	Circa 950 children in Derbyshire Special Schools aged from 2-19 years

Privacy Impact Assessment

Step 1 – Requirement for PIA – issues to be addressed

To Include:

- Project Aim and Objectives
- Benefits to the organisation, to individuals and to other parties of personal data
- Links to any relevant project documentation
- Summary of Identified Need for PIA (can draw on answers to the screening questions).

As part of the support for children and young people with Special Education Needs and Disabilities it is necessary for partner organisations to exchange personal, sensitive and special categories of information securely. Facilities to do this electronically exist between Health providers and DCC, and schools and the DCC, however there is currently no solution to support the secure movement between health providers and special Schools in Derbyshire.

A number of options have been considered and a secure file transfer process has been developed using the Perspective Lite system to ensure data is managed and handled appropriately.

This information flow will assist Derbyshire Special schools in managing their pupils health needs and provide them with the information they need to fully support their pupils on health related matters.



The need for a PIA is driven by the nature of the information containing health information and relating to vulnerable children.

Secure File Transfer

Health Providers to Derbyshire Special Schools

The below process is for Health Professionals to be able to securely send SEN Health information to Derbyshire Special Schools via Derbyshire County Council's secure file transfer solution - *Perspective Life*. Derbyshire schools use this system on a daily basis to receive information and files securely from the Council and the Police Authority in the form of MS Word, MS Excel or PDF.

This is not a mechanism for communicating any urgent matter and these should be done via telephone or face to face.

All emails to be sent to: SENHealth@derbyshire.qcsx.gov.uk

The subject line in all emails must follow a specific naming convention, this is extremely important as it guides the email with the document(s) to the correct school and folder.

Example email subject line: 8307018_SENHealthdocumentdescription20161012

The email name is made up of the following four elements:

1. A seven digit School DfE number consisting of 830nnnn
2. **SENHealth** – clearly identifies the email from other files being securely sent
3. Document description = meaningful document description in lower case
4. **yyymmdd** = date e.g. 20180930

List of Derbyshire SEN Schools with DfE number –

SEN School Name	DfE Number	Address
Alfreton Park Community Special School	8307018	Alfreton Park, Alfreton, Derbyshire DE55 7AL
Ashgate Croft School	8307006	Ashgate Road, Chesterfield, Derbyshire, S40 4BN
Barnesley Fields Specialist Speech And Language College	8307014	Stratford Street, Ilkeston, Derbyshire DE7 8QZ
Brackenfield Special School	8307005	Bracken Road, Long Eaton, Nottingham, Derbyshire, NG10 4DA
Holbrook School for Autism	8307001	Port Way, Holbrook, Belper , Derbyshire, DE56 0TE
Holly House School	8307000	Church Street North, Old Whittington, Chesterfield, Derbyshire, S41 9QR
Peak School	8307017	Buxton Road, Chinley, High Peak, Derbyshire, SK23 6ES
Stanton Vale Special School	8307019	Thoresby Road, Long Eaton, Nottingham Derbyshire, NG10 3NP
Stubbin Wood School	8307012	Common Lane, Shirebrook , Mansfield Derbyshire, NG20 8QF
Swanwick School and Sports College	8307009	Hayes Lane, Swanwick , Alfreton, Derbyshire, DE55 1AR

Approved at Health & Special Schools Steering Group 19/09/2018
 Authorised by DCC Information Governance Group 08/10/2018

Step 2 – Information Flows/Nature of processing

To Include:

- Description of collection, use, retention and deletion of personal data- is any sharing of data involved?
- Explanation of data flows – diagram or description detailing: controllers and processors, storage location and storage method, personal data fields collected, individual/team/organisational access to personal data(audit trail), security measures for storage and transfer of data
- Number of individuals likely to be affected by the project-do they include children or other vulnerable groups?
- A flow diagram is likely to be helpful here.
- Does the data include special category or criminal offence data?

Derbyshire County Council will move the emails once a day onto the Perspective Lite system. The email disclosure is intended only for onward secure transmission to the relevant special school by secure email.

NHS Health Professionals take responsibility for ensuring the naming convention on all emails is correct and as such the onward secure transmission is to the relevant school.

Derbyshire County Council will retain a copy of the email notification up to the point the email is sent to schools via the Perspective Lite System. Following this, the email will be deleted from the Council's designated secure email account.

The notification to schools will remain on the Perspective Lite system and supporting secure file shares for up to 4 months, after which it will be deleted.

Within Children's Services the CS Web team will be solely responsible for this task as part of their daily tasks.

DCC process – Secure area – Receipt and management of SEN Health files:


From October 2018, SEN Health files will be sent to us from the Health Service via GCSX for forwarding to the 10 Special Schools only. We should download to process via Perspective Lite. An initial check for files and upload should be done first thing, with another check later that morning

These SEN Health files are NOT to be opened/ viewed by the web team.

The correct filename should be in the subject box of the email. If a SEN Health file is incorrectly named, it must be returned straight back to the sender via GCSX with an explanation of why it has been rejected. The web team are not to rename or alter SEN HEALTH file names in any way.

If correctly named the whole email with attachments, should be placed in the **To Schools_SEN** folder prior to the validation script being run.

Once the script has successfully run, the SEN HEALTH files will be automatically be transferred to the SEN folder in **01c_Staging Area –**

Check Point 1  01c_Staging Area - Check Point 1 for processing and uploading to schools in the normal way.

Files uploaded to schools will remain on Perspective Lite for upto 4 months until deleted during the routine monthly process.

SEN HEALTH Notification “Data Breaches” should not go through the Derbyshire system as they are not our breaches, they are the Health Service’s. Information discovered to be inaccurate, out-of-date or inadequate for the purposes detailed should be notified to sender of the email

The Health Service have been sent a file with all Special schools and DfE numbers. It is unlikely that a Special school will become a sponsored academy and change its DfE no, but if it does, once this has been amended within Perspective a notice advising the Health Service should be sent to:

Georgie Hill, CCG SEND Commissioning Lead

georgina.hill@nhs.net

Step 2 – Consultation Requirements

Identify whether internal and/or external consultation is required to address privacy risks

- Stakeholders to be consulted
- Method of consultation

All consultation has been driven through the *Health & Special Schools Steering Group*, whereby there is representation of all NHS trusts, DCC and Derbyshire Special Schools.
Ongoing consultation will be provided via this meeting.

Part B Steps 3 to 4 – Identify Privacy Risks, Solutions and Approval

Privacy Risk	Risk to Individuals & organisation	Risk initial score	Action Identified	Target Score (after applying actions)	Risk Control Plan (Treat/Control/Tolerate/Accept/Terminate/Transfer)	Evaluation: is the final impact on individuals and the organisation after implementing each solution a justified, compliant and proportionate response to the aims of the project?	Approved By
System data is accessed by unauthorised persons and used or shared inappropriately	Risks to the individual as a result of contravention of their rights in relation to privacy, or loss, damage, misuse or abuse of their personal information	8	Access to the system will be limited to only those with the correct role based access activity. The use of the system will be managed locally through relevant training and guidance.	4	Control/Accept	Yes, the benefits of sharing the information greatly outweigh the privacy risk with the appropriate mitigation in place.	
Notification sent to incorrect school	School is in receipt of health information not relating to one of their pupils	8	Ensure Health Service have correct DfE numbers. Remove any incorrect DfE numbers/ incorrectly named emails before uploading to Perspective Lite.	4	Control	Yes, the benefits of sharing the information greatly outweigh the privacy risk with the appropriate mitigation in place.	

Step four: Integrate the PIA outcomes back into the project plan

Who is responsible for integrating the PIA outcomes back into the project plan and updating any project management paperwork? Who is responsible for implementing the solutions that have been approved? Who is the contact for any privacy concerns that may arise in the future?

Action to be taken	Date for completion of actions	Responsibility for action
Inform key stakeholders of PIA outcome		

Contact point for future privacy concerns

Date of consideration by IGG 8th October 2018

Linking the PIA to the GDPR principles

Answering these questions during the PIA process will help you to identify where there is a risk that the project will fail to comply with the GDPR or other relevant legislation, for example the Human Rights Act.

Principle 1

Personal data shall be processed fairly and lawfully

There must be lawful basis for processing the personal data as follows;

(a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.

- Have you identified the purpose of the project and which lawful basis applies?

- Is the processing of the data necessary in terms of GDPR?

- How will you tell individuals about the use of their personal data?

Via Special Schools Privacy Notices

- Do you need to amend your privacy notices?

- If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

- If special categories of personal data have been identified have the requirements of GDPR been met?

As the Council subject to the Human Rights Act, you also will where privacy risk are especially high need to consider:

- Will your actions interfere with the right to privacy under Article 8? No
- Have you identified the social need and aims of the project? Yes
- Are your actions a proportionate response to the social need? Yes

Principle 2

Personal data shall be obtained only for one or more specified explicit and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

- Does your project plan cover all of the purposes for processing personal data? Yes
- Have you identified potential new purposes as the scope of the project expands? No
- Does your Privacy Notice cover all potential users? n/a

Principle 3

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

- Is the quality of the information good enough for the purposes it is used? Yes
- Which personal data could you not use, without compromising the needs of the project?

None

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

- If you are procuring new software does it allow you to amend data when necessary? n/a
- How are you ensuring that personal data obtained from individuals or other organisations is accurate?

n/a - All information is generated by the Health Services

Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary.

- What retention periods are suitable for the personal data you will be processing?

n/a – DCC only acting as a conduit to the information between Health Services and Special Schools in Derbyshire.

- Are you procuring software that will allow you to delete information in line with your retention periods?

n/a

Principle 6

Personal data shall be processed in accordance with the rights of data subjects under GDPR.

- Will the systems you are putting in place allow you to respond to subject access requests more easily?
- Will the system allow compliance with individual rights under GDPR, in particular the right to be informed, the right to rectification and the right to ensure (right to be forgotten).
- If the project involves marketing, have you got a procedure for individuals to opt in to their information being used for that purpose?

n/a

n/a

n/a

Principle 7

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

- Do any new systems provide protection against the security risks you have identified?
- What training and instructions are necessary to ensure that staff know how to operate a new system securely?

Yes

All staff are fully trained and aware of the operating parameters – this is an established system

Principle 8

Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

- Will the project require you to transfer data outside of the EEA?
- If you will be making transfers, how will you ensure that the data is adequately protected?

No

n/a