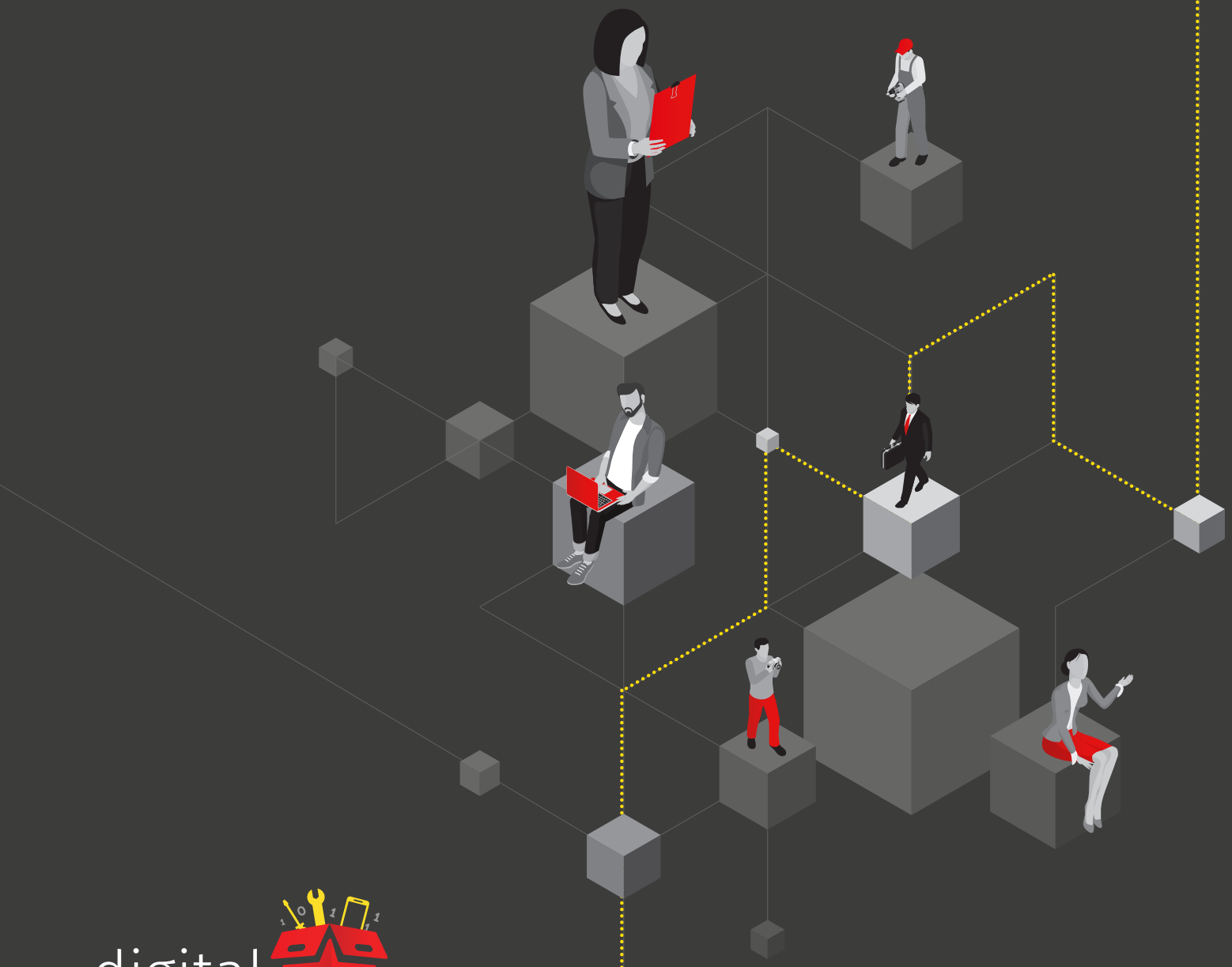
ORGANISATIONS

DATA PROTECTION
IMPACT ASSESSMENT



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Guidance for Organisations

JOIC
JERSEY OFFICE OF THE INFORMATION COMMISSIONER

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Data Protection Impact Assessment

You must carry out a Data Protection Impact Assessment (**DPIA**) where the type of processing of personal information envisaged, is likely to result in a high risk to the rights and freedoms of natural persons.
The types of processing needing a DPIA may include circumstances where you plan to:

- [ ] Process **special category data** on any scale;
- [ ] Systematically monitor a publicly accessible place;
- [ ] Systematically monitor employee activities, including the monitoring of the employees' workstation, internet activity etc;
- [ ] Use innovative technology;
- [ ] Carry out any form of profiling;
- [ ] Process either biometric or genetic data or in a combination of both;
- [ ] Combine, compare or match data from multiple sources;
- [ ] Process personal data in a way that involves tracking individuals' online or offline location or behaviour;
- [ ] Process children's personal data for profiling or automated decision-making or for marketing purposes or offer online services directly to them;
- [ ] Process personal data that could result in a risk of physical harm in the event of a security breach;
- [ ] Use automated decision-making to make decisions about people.

You can consider carrying out a DPIA for any project involving the use of personal data.

DPIA process checklist

- [ ] Describe the nature, scope, context and purposes of the processing;
- [ ] Ask any third-party companies who are part of the change/introduction of a new process (data processors) to help understand and document their processing activities and identify any associated risks;
- [ ] Consider how best to consult individuals (or their representatives) and other relevant stakeholders;
- [ ] Check that the processing is necessary for and proportionate to your purposes and describe how you will ensure compliance with data protection principles.

- [ ] Do an objective assessment of the likelihood and severity of any risks to individuals' rights and interests;
- [ ] Identify measures you can put in place to eliminate or reduce high risks;
- [ ] Implement the measures you identified and integrate them into your project plan;
- [ ] Consult the JOIC before processing, if you cannot mitigate risks, especially any high risks;
- [ ] Keep your DPIAs under review and revisit them when necessary.

Have you written a good DPIA?

A good DPIA helps you to evidence you have considered the risks related to your intended processing; and you have met your broader data protection obligations.

This checklist will help ensure you have written a good DPIA

Have you;

- [ ] Explained why you needed a DPIA, detailing the types of intended processing that triggered its preparation;
- [ ] Structured the document clearly, systematically and logically;
- [ ] Written the DPIA in plain English, with a non-specialist audience in mind, explaining any technical terms and acronyms you have used;
- [ ] Set out clearly the relationships between all parties using the personal data and systems, using both text and data-flow diagrams where appropriate;
- [ ] Ensured that the specifics of any flows of personal data between people, systems, organisations and countries have been clearly explained and presented;
- [ ] Explicitly stated how you are complying with each of the Data Protection Principles under DPJL and clearly explained your **lawful basis for processing** (and special category conditions if relevant);
- [ ] Explained how you plan to support the relevant **information rights** of your data subjects;
- [ ] Identified all relevant risks to individuals' rights and freedoms, assessed their likelihood and severity, and detailed all relevant mitigations;
- [ ] Explained sufficiently how any proposed mitigation reduces the identified risk in question;
- [ ] Evidenced your consideration of any less risky alternatives to achieving the same purposes of the processing, and why you didn't choose them;

- [ ] Given details of stakeholder consultation (e.g. data subjects, representative bodies) and included summaries of findings;
- [ ] Sought the advice of your data protection lead in your organisation;
- [ ] Attached any relevant additional documents you referenced in your DPIA, e.g. privacy notices, consent documents;
- [ ] Agreed and documented a schedule for review;
- [ ] Consulted the JOIC if there are residual risks you cannot mitigate.