**Data Protection Impact Assessment:** if you are processing personal information you must consider completing a DPIA (Covid Short Form)

|  |
| --- |
| **Title** Selenity Employee Relations (ER) Tracker |
|  |
| **Contract**: Yes (5 year upfront licence and installation) **Review**: Have you reviewed the contract, and consulted the Data Protection Officer about data protection provisions? Yes (head of IT has also reviewed contract and confirmed acceptance) |
|  |
| **Version Number: V4** **Pass** (MMU, 25/02/2021) Fail (see comments in final section) |
|  |
| **Completed by**: Simon Denton  |

|  |
| --- |
| **Screening Checklist (Highlight in red which apply)** |
| Use new technologies, or Innovative technological or organisational solutions.  | Process personal data which could result in a risk of physical harm in the event of a security breach.  |
| Combine, compare or match data from multiple sources or process special category data or criminal offence data on a large scale’ | Processing of sensitive data or data of a highly personal nature, or process data concerning vulnerable data subjects. |
| Use automated decision making or special category data to help make decisions someone’s access to a service, opportunity or benefit  | Process personal data without providing a privacy notice directly to the individual |

|  |
| --- |
| **Step 1: What Is this DPIA for?** |
| What data is going to be processed, how, and to what end?The HR Department handles circa 120 formal employee relations cases at any one time. To date this work has been managed and reported through a locally built and unsupported database. This has served well but there are now a number of problems arising including:* The locally built casework database does not operate well on the Trust’s more modern laptops
* The locally built casework database does not operate smoothly over VPN
* The system is unsupported
* Any development work has to be undertaken by the Systems Development Manager. The postholder has now moved to a different role in the Trust
* Reporting functionality has to be undertaken by the HR Systems Team rather than within the HR Advisor team

Selenity ER Tracker would replace the current local database with a secure, modern cloud-based system with significantly enhanced functionality which would bring business benefits. ER Tracker is used by a large number of other NHS employers.The system will be used to process HR casework and other activity (TUPE transfers, organisational change) including: * Employee data (name, occupation, personal details such as name & address) already in the Trust’s possession on ESR
* Monitoring information (already in the Trust’s ESR system)
* Health information and Occupational Health reports
* Information relating to HR casework (investigations, sickness details, disciplinary records, statements, safeguarding information).

Data would be recorded on ER Tracker by authorised members of the HR Department.  |

|  |
| --- |
| **Step 2: Describe the processing** |
| **Nature*** how will you collect, use, store and delete data:

As detailed above ER Tracker is a system used by several NHS organisations to manage and report HR casework. Personally Identifiable Information will be stored and processed. Some of this employee information will already be held in ESR whereas other information will arising from formal HR processes. The ESR data should interface whereas the activity arising from HR processes will be a mixture of manual input, uploaded documents (for example statements, Occupational Health reports, reports and outcomes) * Is any high risk processing involved:

Some of the information stored is highly personal (for example sickness cases, misconduct). The HR Department are highly experienced in managing such information and appropriate measures to reduce risks will continue to be taken. |
|  **Scope*** what data is it, is it special category: Yes. Employee data including ethnicity and health information
* Volume collected and used, number of people, frequency:

Circa 120 individuals in HR casework at any one time. Data used by relevant HR staff and authorised managers.Data will be collected as new HR cases are “opened”. All areas of the Trust will be in scope.The range, nature and sensitivity of the data collected will vary according to case type. As detailed above ER Tracker will process data including:* Employee data (name, occupation, personal details such as name & address) already in the Trust’s possession on ESR
* Monitoring information (already in the Trust’s ESR system)
* Health information and Occupational Health reports
* Information relating to HR casework (investigations, sickness details, disciplinary records, statements, safeguarding information).
* Storage period, where stored, area covered:

In accordance with Trust’s retention of records policy (6 years after employment ends). |
|  **Context*** relationship with individuals, control by them, is there a reasonable expectation:
* Children or vulnerable groups, prior concerns, security issues, is it novel:
* State of technology, public concern, code of conduct or certification scheme:

There is a reasonable expectation – if an employee raises a case or there is a case raised involving them it follows that information about them and their performance or conduct or that of others will be processed, it is necessary and proportionate to do so. Data will be recorded, processed and stored on ER Tracker where individuals are involved in HR casework. Access will controlled by HR Dept staff. The data will be accessed only by appropriately authorised staff in HR Department and, where required and appropriate to do so, could be accessed by “temporary users” (for example the Trust’s legal advisors). The Trust does not employ people under 16, but does employ some 16 and 17 year olds. There are no additional measures for these young people in relation to processing data in relation to HR casework. Some safeguarding data will inevitably be stored. This could relate to patients of the Trust (vulnerable adults and children). Appropriate measures are taken to protect patient confidentiality but this is not always possible.The processing is not novel. The Trust has processed casework data for many years. Many other NHS organisations use ER Tracker.The current database used to process HR casework is a locally based system and is unsupported. Moving to a solution such as ER Tracker should reduce potential for system failure and enhance data security. |
|  **Purposes** * Aim and effect on individuals:
* Benefits for Trust, you, or others:

To enable effective and secure management of casework records and data.Efficiency, consistency, a supported and secure system.To assure Trust Executive and Board that casework is managed appropriately and safely and the Trust is not in breach of its employment duties. Several committees in the Trust demand reporting in relation to HR casework including Weekly Review Meeting, Board, Safeguarding Committee, Audit Committee and People, Leadership & Culture Committee, WRES and WDES (Workforce Race Equality Standard and Workforce Disability Standard) which mandatory for NHS organisations. |

|  |
| --- |
| **Step 2a: Describe the security measures in place (how is the information protected in situ and in transit)** |
| **Security (integrity and confidentiality principle)*** where is the data from, is it to be shared, with who, what is the flow, what mechanism is used to transmit information, what protections are in place (email, website, paper etc)

As detailed above, a mix of ESR, manual input, upload and document storage. Information can be transmitted by granting “access rights” on a temporary basis to appropriately authorised people inside and outside the Trust. This would reduce (although probably not eliminate) the need to transmit data to internal or external stakeholders by email / hardcopy exchange.Most of the data would remain internal to the Trust. However there are occasions where information is shared with external bodies including police, Safeguarding, professional and regulatory bodies and the Trust’s legal advisors. At present such sharing of information is done via email or post with its associated risks. A system such as ER Tracker should reduce the volume sent by relatively unsecure means.Selenity ER Tracker is a cloud-based case management system that will allows the Trust to track, record and monitor employee relations cases. The cloud deployment model is: Private Cloud. Authorised users will be provided with user name and password in the same way as for existing systems used in the Trust from the same supplier (E-Expenses, Health Roster). * Is any high risk processing involved:

No. Some data is highly personal and confidential. Some safeguarding information and health related information will be stored. |
| **Step 3: Consultation process** |
| * What stakeholders, sought views, why not:

HR, IT, Information Governance. Staff side will be advised that the Trust is purchasing ER Tracker once the order is signed-off and placed; they were not consulted when the existing Casework Database was developed. * Others involved in Trust, outside processors, security or other experts:

Selenity as supplier. Three other products from other suppliers were evaluated but did not have the functionality required in relation to workflow and populating template letters. In addition to offering the full range of functionality required, Selenity is on Crown Commercial Services G-Cloud, are an existing supplier to the Trust (Allocate and E-Expenses) and they have a number of NHS clients using the ER Tracker.  |

|  |
| --- |
| **Step 4: Assess necessity and proportionality**  |
| * lawful basis, does processing achieve purpose, alternatives:

Yes. The Trust already processes this data, it is necessary for the Trust to fulfil legal duties in relation to employment, patient care, professional bodies, safeguarding of patients and the personal information processed is because the Trust needs to do so for safe employment purposes. The processing of personal information is proportionate for the purpose, balances privacy and employers duties to the individual and others in the Trust and the processing is the minimum necessary to achieve the purpose. The lawful basis for processing such data are:1. Public task
2. Legal obligation
* function creep, accuracy, data minimisation:

The processing of personal information is an essential part of the Trust’s employment process and is necessary to protect patients and staff. The Trust cannot discharge its obligations without processing PID.* information for individuals, supporting rights:

Yes – individuals would have a right to make a Subject Access Request. No specific information is provided (over and above the Trust’s general statements on the use of personal data) in the materials available to staff entering HR casework. Part of the implementation of ER Tracker can include a review of material provided with support from Information Governance colleagues. * processor compliance, international transfers:

No international transfers expected. The Selenity cloud is already used for E-expenses and Allocate Health Roster. |

|  |
| --- |
| **Step 5: Risk Assessment and Mitigation** |
| Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. | Likelihood of harm1 to 5 | Severity of harm1 to 5 | Overall risk1 x 2 |
| Unauthorised access or disclosure.Data compromise.System unavailability. | 331 | 333 | 993 |

|  |
| --- |
| **6: Measures to reduce or eliminate risks identified as medium or high risk above** |
| Options to reduce or eliminate risk. | Effect on risk | Residual risk | Measure approved |
| Managed closely within HR. Only authorised staff would have access. System will include security functionality.System unavailability – this risk would be significantly reduced by the implementation of ER Tracker | Significantly mitigatedSignificantly mitigated  | LowVery low |  |

Step 7: Sign off and record outcomes

|  |  |  |
| --- | --- | --- |
| **Item**  | **Name/date** | **Notes** |
| DPIA Completed by: | **Simon Denton**  |  |
| Measures approved by: |  | Integrate actions back into project plan, with date and responsibility for completion |
| Residual risks approved by: |  | If accepting any residual high risk, consult the ICO before going ahead |
| DPO advice provided: | MMU, see previous versions25 February 2021 | DPO should advise on compliance, step 6 measures and whether processing can proceed |
| Summary of DPO advice: see previous versions – risks, consultation, lawful basis, necessity and proprtionality |
| DPO advice accepted or overruled by: |  | If overruled, you must explain your reasons |
| Comments: |