

DATA PROTECTION IMPACT ASSESSMENT

PROJECT	Health and Wellbeing Census		
SERVICE	Education and Children's Services		
AUTHOR	Kirsty Price		
TITLE	Statistics & Research Officer		
VERSION	1.0	DATE	3 November 2021

When completing this template, you should refer to the [guidance](#) for an explanation of what is required for each section.

1. DESCRIPTION OF THE PROJECT

a) Describe the project and explain the aims and benefits. If appropriate, refer or link to other documents such as a project proposal or PID.

The strong links that exist between the health and wellbeing of children and young people, on the one hand, and their achievements in learning on the other, are widely recognised. Effective learning supports positive health and wellbeing, and good levels of health and wellbeing support effective learning.

The [National Improvement Framework](#) (NIF) requires evidence to ensure its aims are being delivered, whilst there is also an increasing need for high quality improvement data at a local level. The HWB Census aims to rationalise the collection of health and wellbeing data by providing a set of questions all local authorities and grant-aided schools will be invited to ask in their respective areas. This should result in comparative data being collected and will be used to drive improvement at a local level and to help monitor the progress of national policies.

Under the Children and Young People (Scotland) Act 2014, local authorities and their relevant health board must, in respect of each three year period, prepare a children's services plan for the area of the local authority. The aims of the children's services plan are that children's services in the area concerned are provided in the way which:

- best safeguards, supports and promotes the wellbeing of children in the area concerned,
- ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising,
- is most integrated from the point of view of recipients, and
- constitutes the best use of available resources.

From 2021/22, all P5 to S6 children and young people in publicly funded primary, secondary and grant-aided schools in Scotland are invited to take part in the census. Questions will focus on the child's self-reporting of their health and wellbeing across a range of topics and themes. There are different questionnaires for different pupil stages.

The Scottish Government needs this information about the health and wellbeing of children and young people in order to:

- plan and deliver better policies for the benefit of all pupils, or specific groups

- better understand some of the factors which influence pupil attainment and achievement
- share good practice
- target resources better
- enhance the quality of research to improve the lives of people in Scotland
- provide a window on society, the economy and on the work and performance of government by publishing statistical publications and additional tables about the health and wellbeing of children and young people living in Scotland

Once the data has been collected, we will share this information with the Scottish Government's Education Analytical Services Division, which is part of the Scottish Government's Learning Directorate, as they too have a legal and lawful basis to process data as part of the "public task" under the UK GDPR.

b) Summarise why you have identified the need for a DPIA.

A DPIA is required as the Health and Wellbeing Census is a new endeavour and also gathers potentially identifiable personal data.

c) Who will be the Information Asset Owner?

The Executive Director for Education and Children's Services, Perth and Kinross Council.

d) Describe the flow of information – include where it comes from, where it's stored, how it's used, when it's deleted (It may be useful to refer to a flow diagram or other way of describing data flows)

The census will be delivered via an online questionnaire, which children and young people will access using school computers or tablets. All participating schools will receive a survey link that will be sent out for each age/stage questionnaire. Pupils will be asked to complete the questionnaire appropriate to them during school time in the presence of their class teacher/survey administrator. A unique identifier will be used (SCN - Scottish Candidate Number) for analytical purposes only (as additional information held in other systems can be linked using this identifier).

If analysts see anything in answers that raises serious concerns about an individual, they may use the SCN information to identify the individual and established procedures would then be enacted. This is considered highly unlikely as the survey has been designed not to gather this kind of information, and the survey instruments within it cannot be used for individual diagnostic use. Despite the very low likelihood, this will be communicated to parents for full transparency.

The Scottish Government's Education Analytical Services division has purchased SmartSurvey which is a UK-based provider of digital survey solutions.

In relation to the gathering of data for the Census, the Scottish Government will act as the Data Processor (and SmartSurvey will act as the sub-processor). PKC will be the Data Controller for the data gathered by us at local level. This will be stored on PKC's own secure systems, with access only for those required to work with the data. Statistical analysis and reporting will take place at local authority level, and where it is possible to do so without any risk of disclosing information about individuals, at school level. This will be undertaken by

central analysts within Education and Children's Services. Schools and school staff will not have access to any individual-level data relating to pupils at any time.

However, once we have conducted our Census and we share the data with the Scottish Government, the Scottish Government will become a Data Controller of the data it then holds for its own statistical analysis and research purpose.

Perth and Kinross Council's data will be transferred to the Education Analytical Services division of the Scottish Government using a secure transfer system named Objective Connect. Objective Connect is a UK hosted platform using Microsoft Azure and has a Government Grade security where information is always protected.

Data will be stored within the Scottish Government's Analytical Data Management System (ADMS) where access is only possible within the SCOTS network (a central government network, compliant to the Public Services Network (GSI) requirements and managed to ISO standard 27001). The purpose of the ADMS is to support secure and UK GDPR-compliant data management with a dedicated team and IT infrastructure.

The census data will be transferred between local authorities and Scottish Government shortly after each census is completed locally.

Regarding the retention of data, Article 5 of the GDPR "Principles relating to processing of personal data" states that:

"personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals".

Article 9 of the GDPR "Processing of special categories of personal data" also states that:

"Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited unless processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject."

The data are processed in line with these UK GDPR requirements. The Scottish Government will regularly review the need for the data to determine if the information is still required and, if it is not required, it will be destroyed securely in line with the Scottish Government information handling protocols.

Once data is received by the Scottish Government, the data is owned by the responsible Statistician of the Education Analytical Services Division.

Information held by Perth and Kinross Council will be held for the academic year that the survey is conducted in plus 2 further years.

e) Describe the sort of personal data that will be processed. Does it involve special category data or data about law enforcement / criminal offences?

The personal data collected will be:

Child/Young person: Scottish Candidate Number, school identifier, attitude to school, perception of achievement, pressure of school work, physical activity/exercise, eating behaviours, general health, general wellbeing (life satisfaction), mental health, physical or mental health condition, sleep pattern, feeling of discrimination, relationship with peers, self-perception (body image), social media and online experience, relationships with family/environment, relationships with parents/carers, resilience, involvement in decision making, use of alcohol, use of tobacco, use of drugs, involvement in positive activities, caring responsibilities, experience of bullying, aspirations and career planning, relationships and sexual health, sedentary behaviour and places to play.

Questions will vary by school stage, with areas appropriate to only older pupils not asked of younger pupils. Details are provided below:

The Census questionnaires are designed to be age/stage appropriate, and will ask pupils about a range of topics:

	P5 - P6	P7	S1	S2	S3	S4	S5 - S6
Alcohol				→		→	
Area factors	→	→	→	→	→	→	→
Aspirations and career planning		→	→	→	→	→	→
Attitude to school	→	→	→	→	→	→	→
Bullying others	→	→	→	→	→		
Caring responsibilities		→	→	→	→	→	→
Drugs						→	
Eating behaviours	→	→	→	→	→	→	→
Feeling hungry		→	→	→	→	→	→
Experience of bullying	→	→	→	→	→		
Family relationships/environment	→	→	→	→	→	→	→
Gambling					→		→
General health	→	→	→	→	→	→	→
General wellbeing (life satisfaction)	→	→	→	→	→	→	→
Involvement in decision making	→	→	→	→	→	→	→
Long-term health conditions	→	→	→	→	→	→	→
Mental health	→	→	→	→	→	→	→
Peer relationships	→	→	→	→	→	→	→
Physical activity/exercise	→	→	→	→	→	→	→
Play	→	→	→	→			
Positive activities			→	→	→		
Pressure of school work		→	→	→	→	→	→
Resilience	→	→	→	→	→	→	→
Sedentary behaviour			→	→	→	→	→
Self-perception (body image)		→	→	→	→	→	→
Sexual health and relationships						→	→
Sleep	→	→	→	→	→	→	→
Smoking				→		→	
Social media and online experience	→	→	→	→	→	→	→

- Core questions across all age groups →
- Asked of S4 - S6 only →
- Questions are age-appropriate / limited by space in the questionnaire →

f) How many individuals are likely to be affected by the project?

All pupils in P5, P6 and P7 in Primary schools and all Secondary pupils. As at the last pupil census (September 2020) this is approx. 12,500 individuals.

g) Do they include children or other vulnerable groups?

Yes – children in P5, P6 and P7

h) Are there any current issues of public concern that should be taken into consideration?

From experience of previous surveys, some parents may have concerns around the nature of questions being asked of their children. However they can discuss these concerns with schools and withdraw their child from taking part. Schools will be asked to discuss concerns with parents and young people.

2. INTERNAL CONSULTATION

a) Who within the Council needs to be consulted about this project?

Education and Children's Services Senior Management Team
Education Services Divisional Management Team
Primary Headteachers Executive Group
Secondary Headteachers Executive Group
Headteachers

b) How will you carry out the consultation?

Consultation with the above will be via meetings and email. The project has been discussed at Senior Management Team meetings and has the approval of the Executive Director. Consultation with headteachers will be ongoing at specific meetings.

c) Feedback from internal consultation

None requiring specific actions.

3. EXTERNAL CONSULTATION

a) Who outwith the Council needs to be consulted about this project?

The Scottish Government has consulted with all Scottish Local Authorities, Schools, Parents, Education Scotland, NHS Health Scotland and Academic Researchers.

We will also consult with PKC Parent Council Chairs.

b) How will you carry out the consultation?

The Scottish Government regularly meets with all the above groups to discuss data requirements, and issues surrounding the gathering, quality and reliability of such data. They also consult with stakeholders and users of Scottish Government statistics to inform them of what they publish and to seek their views on whether this meets their needs.

c) Feedback from external consultation

Feedback from consultation is discussed at the Health and Wellbeing Census Implementation Group and their DPIA will be published on the Scottish Government website.

4. LAWFULNESS, FAIRNESS AND TRANSPARENCY

a) What is the legal basis for processing the personal data?

Article 6(e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The [Local Government in Scotland Act 2003](#) states that Local Authorities have a power to do anything which it considers is likely to promote or improve the well-being of its area and/or persons within that area.

The [Standards in Scotland's Schools etc. Act 2000](#) also states that education authorities must endeavour to ensure that their schools are health promoting.

The [Children and Young People \(Scotland\) Act 2014](#) also states that a local authority and the relevant health board must, in respect of each 3 year period, prepare a children's services plan for the area of the local authority.

b) If the project involves processing special category data, what is the legal basis for processing it?

UK GDPR Article 9(2)(j) provides a lawful basis for processing special category data where: "processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) (as supplemented by section 19 of the 2018 Act) based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

c) If you are relying on consent to process personal information, how will this be collected and what provision will be made for people to withdraw their consent? What will you do if it is withheld or withdrawn?

We will communicate with parents/carers to provide them with further information about the census. There will be the opportunity for the parent to return using the "opt-out" option and their child will be removed from the census register.

Pupils will be asked if they would like to take part. Even if pupils begin the Census, they do not have to finish it if they wish to stop at any time. However, any responses captured up to this point will still have been captured and may be used in any analysis.

No question is mandatory and pupils can opt out of answering any question they do not feel comfortable answering while completing the Census. In addition, questions will include a "prefer not to say" option included within the response options.

d) How will you tell individuals about the use of their personal information?

A PKC privacy notice and hyperlink to the Scottish Government privacy notice (including information about what information will be stored, the location of storage and the deletion process and implications of home use) will be included on the front of all surveys where personal data will be collected.

e) If you already process this information, is there any significant change being made that people need informed about? How will you inform the people affected about the change?

N/A

5. PURPOSE LIMITATION

a) Describe the purpose(s) of processing personal data in the project

Children and Young People will be asked to provide a unique identifying number (i.e. their Scottish Candidate Number) for purely statistical and research purposes, in order for the Scottish Government to undertake longitudinal analysis, to link data sets together to obtain key pupil characteristics as well as to conduct further statistical analysis and research. Although this renders the data personal identifiable information, the Scottish Government does not collect and hold the names and addresses of individual pupils. This is held separately on local authority management information systems.

The Scottish Government will not publish information that allows individual pupils to be identified. All published statistical outputs are subject to strict data disclosure control.

b) As the project progresses it is possible that its scope will expand (function creep). Describe any potential additional purposes that have been identified for processing the personal data.

No function creep identified

6. DATA MINIMISATION

a) We must not collect or process more personal data than we need. Will the project gather personal data that will not actually be needed or used?

No

b) Will the project collect all the personal data needed? Will the quality of the information be good enough for the purpose(s) it is to be used for?

Yes

7. ACCURACY

a) How will you ensure that personal information obtained is accurate?

Information provided by a respondent can be expected to be accurate in relation to their views at the time of completion.

Pupils will be provided with their Scottish Candidate Number and SEED code by the member of staff administering the questionnaire in school.

b) Will it be possible to amend incorrect information when necessary?

Yes - where a response can be identified as belonging to a particular individual, it can be edited. This is not likely to occur.

8. STORAGE LIMITATION

a) Have you identified retention periods for the personal data that will be processed? State the retention periods and triggers.

Records held by PKC will be retained for the academic year that the survey is conducted in plus 2 further years.

b) Will it be possible to delete personal data in line with the relevant retention periods?

Yes

c) How will this be done?

Manually - the PKC Smartsurvey user shall delete the survey responses and any copies held on Council servers.

9. INTEGRITY AND CONFIDENTIALITY

a) Describe the risks you have identified that will be created by this processing of personal data (in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure, or unauthorised access).

PKC Employees not aware of their obligations when accessing personal information
Corruption of data through incorrect updating or deletion
Unauthorised, or inability to, access due to failure to maintain access rights (new starts, movers, leavers)
Hacking Activities
Unauthorised disclosure

b) Describe what consideration has been given to pseudonymisation (removing generally known identifiers) or encryption of the personal data.

The Scottish Government explored options in relation to using pseudonyms, but ruled this out as a feasible option. The Census will ask for children/young people's Scottish Candidate number and the SEED code of their school.

SmartSurvey allows any survey to have SSL encryption enabled.

c) Describe what consideration has been given to ensuring the ongoing confidentiality, integrity, availability, and resilience of the system(s) involved in processing the information.

SmartSurvey has the following security features:

- Enable SSL encryption on any survey. Apply password protection and IP restriction on user accounts and survey responses.
- ISO 27001 Certified – the highest possible standard for data security. An internationally recognised system for keeping information assets secure.

- UK Based Servers - all data is stored and backed up on UK based servers.
- Data Protection Act - fully compliant with Privacy Laws and registered under the Data Protection Act.
- UK GDPR – Fully compliant

Objective Connect is UK hosted using Microsoft Azure platform and has Government Grade security where information is always protected. Objective Connect provides the following levels of security:

- ISO27001 certified
- Accredited by CESG up to “Official Sensitive” for content
- Documents are always encrypted at rest and in transit.
- Full audit of all transactions
- Security Risk Assessment approved by CISO/COO
- Includes Privacy Impact Assessment
- Full Penetration Test of Connect link undertaken by external party (integration between eRDM & Connect through the cloud).

Data will be stored within the Scottish Government’s Analytical Data Management System (ADMS) where access is only possible within the SCOTS network (a central government network, compliant to the Public Services Network (GSI) requirements and managed to ISO standard 27001). The purpose of the ADMS is to support secure and UK GDPR-compliant data management with a dedicated team and IT infrastructure.

In the ADM system, access to datasets is granted to Active Directory Groups. The ADM system is built around themes, topics, and data items (which are equivalent to a dataset), and permissions can be applied at any of these levels. When data is initially uploaded only data admins in the ADM team can grant access. Permission rights are agreed with the data owner before upload, and applied when the upload is complete.

Access to the data sets is securely restricted to a limited small number of Scottish Government staff based in the Education Analytical Services Division and IT / SAS support teams. Permission to access the data is only given on the submission of a Data Access form signed off by the appropriate Data Controller. It can only be accessed within the Scottish Government’s IT network (SCOTS) using network authentication.

All Scottish Government staff are required to complete annual training on data protection and information security to ensure staff are aware of the responsibilities when handling data.

Within Perth and Kinross, all data will be stored on the EDMS Sharepoint in folders that only are accessible by staff within the ECS Analysis and Improvement team. All staff within the team undertake e:learning modules in Information Security and General Data Protection Regulation (GDPR), and will be instructed to revisit the modules every 12 months.

d) Describe what consideration has been given to ensuring that the personal data will be backed-up appropriately and can be restored in a timely manner.

All data on SmartSurvey is stored and backed up on UK based servers.

PROCESSORS

- a) If a third party will be used to process some or all of the data at any point, identify (all of) them and the role they will play in processing personal data on behalf of the Council.

Scottish Government – contract with SmartSurvey
SmartSurvey – collection and storage of survey data
Details of all Smart Survey's sub-processors are published at
<https://www.smartsurvey.co.uk/sub-processors>

- b) Does the contract with the third party cover all the points necessary for GDPR compliance?

Yes

10. ACCOUNTABILITY PRINCIPLE

- a) What new policy, procedures, guidance will be necessary to ensure that the processing will be undertaken in compliance with the GDPR? When will they be available?

Guidance and training notes are being created by the Scottish Government for the users of SmartSurvey, including steps to ensure that all processing of data is GDPR compliant.

- b) Confirm that all employees that will be involved in processing the personal data have completed the Council's data protection e-Learning module within the last 12 months.

PKC employees who use SmartSurveys will be instructed by management to complete the GDPR and Data Protection e-learning module, if they haven't already, as soon as possible. All users will be instructed to revisit the module every 12 months.

- c) What particular training will be given to employees in the correct use of the new procedure or system to ensure personal data is processed correctly?

Training is being provided to Local Authority representatives of the Health and Wellbeing Census Implementation Group of the Scottish Government.

11. RIGHTS OF DATA SUBJECTS

It is unlikely that all of the data subject rights will be relevant in every case, but it is important to know whether we have the technical ability to satisfy each of them. Information about the data subject rights is available [here](#).

a) Subject Access

Will it be possible to retrieve all of an individual's personal data in response to a subject access request?

N/A - exempt

b) Erasure

Will it be possible to delete an individual's personal data in response to a request?

N/A - exempt

c) Restrict Processing

Will it be possible to omit an individual's personal data from particular processing in response to a request?

N/A – exempt

d) Data Portability

Will it be possible to extract an individual's personal data in a machine-readable form?

N/A

e) Object to Processing

Will it be possible to cease processing (but retain) an individual's personal data from all processing in response to a request?

N/A - exempt

f) Automated Decision-Making / Profiling

1) Does the processing involve making a decision by automated means? If so, describe the processing involved.

No

2) Does the processing involve automated processing of personal data to evaluate certain things about an individual or predict behaviour or outcomes, i.e. profiling? If so, describe the processing involved.

No

3) If yes to points 1 or 2, how can a person request human intervention or challenge the decision?

Not applicable

4) If yes to points 1 or 2, what checks will be made to ensure the processing is working as intended?

Not applicable

12. LOCATION

a) Which country or countries will the personal data be stored in?

All data is hosted in the United Kingdom

b) If the personal data will be stored outwith the EEA, what assurance is there that it will be adequately protected?

Not applicable

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14. DPIA APPROVAL

Actions taken approved by:

Name:	Paul Davison		
Title:	Corporate Research and Information Manager		
Service:	Education and Children's Services	Date:	3 November 2021

Residual risks accepted by: NOT APPLICABLE

Name:			
Title:			
Service:		Date:	

If there are any residual high risks, the Information CO must be consulted before proceeding any further.

DPO Advice: NOT APPLICABLE

Name:			
Date:			
Summary of advice:			
Advice:	Accepted / Overruled	(delete as appropriate)	
Reasons for overruling:			

DPIA to be reviewed			
By:	Kirsty Price	Date:	1 August 2022